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Ale 2 & 3. orig

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~856.~~ 529

JOHN ELLIOTT, NICHOLAS GWYNN, AND HENRY S. WALKER, APPELLANTS,

vs.

LOUIS A. WILTZ, GOVERNOR; SAMUEL D. McENERY, LIEUTENANT-GOVERNOR; ROBERT N. OGDEN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; W. A. STRONG, SECRETARY OF STATE; ALLEN JUMEL, AUDITOR; E. A. BURKE, TREASURER; AND THE STATE NATIONAL BANK OF NEW ORLEANS, FISCAL AGENT OF THE STATE OF LOUISIANA, MEMBERS OF THE BOARD OF LIQUIDATION OF THE STATE OF LOUISIANA.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

FILED JUNE 29, 1881.

Further brief in connection with 2 & 3. orig

SUPREME COURT OF THE UNITED STATES.

No. 856.

JOHN ELLIOTT, NICHOLAS GWYNN, AND HENRY S. WALKER, APPELLANTS,

vs.

LOUIS A. WILTZ, GOVERNOR; SAMUEL D. McENERY, LIEUTENANT-GOVERNOR; ROBERT N. OGDEN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; W. A. STRONG, SECRETARY OF STATE; ALLEN JUMEL, AUDITOR; E. A. BURKE, TREASURER; AND THE STATE NATIONAL BAN OF NEW ORLEANS, FISCAL AGENT OF THE STATE OF LOUISIANA, MEMBERS OF THE BOARD OF LIQUIDATION OF THE STATE OF LOUISIANA.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Bill of complaint	1	1
Exhibit A (affidavits of Gwynn et al.)	40	12
B (list of bonds)	56	17
C (list of bonds)	57	17
D (list of bonds)	57	18
E (list of bonds)	58	18
F (list of bonds)	59	18
G (statement of debt)	59	18
Subpœna in chancery to L. A. Wiltz, governor	60	19
Marshal's return	62	20
Subpœna in chancery to S. D. McEnery, lieutenant-governor	62	20
Marshal's return	64	20
Subpœna in chancery to R. N. Ogden, speaker, &c	64	20
Marshal's return	66	21
Subpœna in chancery to Will A. Strong, secretary of state	66	21
Marshal's return	68	22
Subpœna in chancery to Allen Jumel, auditor	68	22
Marshal's return	70	22
Subpœna in chancery to E. A. Burke, treasurer	70	22
Marshal's return	72	23
Subpœna in chancery to State National Bank of New Orleans, fiscal agent of the State of Louisiana	72	23
Marshal's return	74	24

1874, and known as designated as act No. 3, of the sessions of that year; and in their official capacities aforesaid they make and constitute the aforesaid Board of Liquidation.

Your orators further show that prior to the year 1874, the State of Louisiana had contracted an indebtedness to a very large amount, to wit, to the amount of eighteen millions of dollars, or thereabouts; that it was asserted by the said State, that a large part or portion of said indebtedness had been fraudulently contracted, and that the said State was not justly liable to pay the same; that, on the other hand, the persons owning and holding the said claims against the aforesaid State of Louisiana, contended that the same constituted a valid indebtedness, and that the said State was legally and equitably bound
4 to pay the whole amount thereof; that, under such circumstances, and, with a view to determine the conflicting claims and pretentions aforesaid, and to liquidate and settle the indebtedness for which the said State of Louisiana was liable, and in order, furthermore, to make full accord and satisfaction of her indebtedness, and fully to secure such amount as should be liquidated and agreed upon, the said State of Louisiana, by and through its legislature, duly convened and assembled within the said State during the year 1874, did pass and enact the aforesaid statute, known and designated as act 3 of the sessions of 1874, entitled, "An act to provide for funding obligations of the State; for exchange of bonds; to provide for principal and interest of said bonds; to establish a board of liquidation; to authorize certain judicial proceedings against it; to define and punish violations of this act; to prohibit certain officers diverting funds except as provided by law, and to punish violation thereof; to levy
5 a continuing tax, and provide a continuing appropriation of said bonds; to make a contract between the State and holders of said bonds; to prohibit injunction in certain cases; to limit the indebtedness of the State; to limit State taxes; to annul certain grants of State aid; to prohibit modification, novation, or extension of any contract heretofore made for State aid; to provide for the receipt of certain warrants for taxes, and to repeal all conflicting laws."

That by the first section of said act, it was provided, for the purpose of consolidating and reducing the floating and bonded debt of the State, that the governor, auditor, treasurer, secretary of state and speaker of the house of representatives, be, and the said officers in and by the said section were, authorized to have prepared and issued certain bonds, to be known as the consolidated bonds of the State of Louisiana, of the denomination of one hundred, five hundred, and one thousand dollars, all payable forty years from the first day of January, 1874, to bearer; to be numbered consec-
6 utively, and to bear interest at the rate of seven per cent. per annum, payable on the first day of July and January of each year, in the city of New York and in the city of New Orleans, and with coupons of interest annexed thereto.

That by section second of said act, it was provided that the several officers designated in the first section thereof should constitute a board of liquidation, and that a majority of said board should elect a fiscal agent for the State, who should become and be a member of the said board; and the several parties or officers aforesaid having duly elected the State National Bank of New Orleans the fiscal agent of the State of Louisiana, the said bank is now a member of the aforesaid board of liquidation, and in the full discharge of the duties appertaining unto it as such fiscal agent and member of the board aforesaid.

That by section third of the aforesaid act No. 3, it was further provided that the bonds authorized by the first section thereof
7 should be signed by the governor, auditor, and secretary of state; that the coupons annexed to such bonds should be signed by the auditor and treasurer, and that, when so prepared, said bonds should be exchanged for certain indebtedness of the State then existing, specified in said section, at the rate of sixty cents in consolidated bonds for one dollar of such existing indebtedness.

That in and by section five of the aforesaid act No. 3 it was provided that said consolidated bonds should be held and used by said board of liquidation for the sole and exclusive purpose of exchange, in manner and form and to the extent set forth in said act.

That by section seven of the aforesaid act No. 3 a tax of one and one-half mills on the dollar of the assessed value of all real and personal property was therein and thereby annually levied; that in and by said act it was provided that the same should be collected for the purpose of paying the interest and principal of the aforesaid consolidated
8 bonds; that the revenue derived from such tax in and by the said section was set apart and appropriated for the payment of the aforesaid principal and interest; any other use or appropriation of the said tax and of the revenue realized therefrom was thereby prohibited; and it was therein and thereby made a felony for any officer of the State or any member of the board of liquidation to divert the said fund from the uses and purposes prescribed in the act and in the section of the act aforesaid.

It was further provided that if, during any year, there should be a surplus arising from said tax, after paying all interest falling due in that year, such surplus should be used for the purchase and retirement of the bonds authorized by and issued under said act, said purchase to be made by said board of liquidation, after due notice, and at the lowest offer.

It was further therein provided that the said interest tax should
9 be a continuing annual tax until the said consolidated bonds should be paid in full, principal and interest, or redeemed; that the said appropriation should be a continuing annual appropriation during the same period, and that said levy and appropriation should authorize and make it the duty of the auditor and treasurer and the said board, respectively, to collect said tax annually, to pay said interest, and to redeem the State bonds until the same should be fully discharged.

That by the eleventh section of said act No. 3 it was provided that each and every one of the several provisions of the said act should be, and the same were thereby, made a contract between the State of Louisiana and each and every holder of the bonds issued under the act aforesaid; that by section ten it was enacted that any judge, tax collector, or officer of the State obstructing the execution of said act or any part or portion thereof, or failing to perform his official duties thereunder, should be deemed guilty of a misdemeanor, and punished accordingly.

10 That by section sixteen of said act it was provided that no court or judge thereof should have power to enjoin the payment of principal or interest of any bond issued under said act, or the collection of the tax therein provided for.

And your orators further show unto your honors that at the same time and session at which the aforesaid act No. 3 was passed, the legislature of the State of Louisiana, duly assembled as aforesaid, made and enacted another law, known as act No. 4, of the laws of the State of Louisi-

ana for the year 1874, entitled "An act proposing amendments to the constitution of the State of Louisiana;" that said act provided for the submission to the people of the said State, for their approval or disapproval, certain proposed amendments to the constitution of the State of Louisiana then in force; that by one of said proposed amendments it was provided that the issue of the consolidated bonds authorized by the act of the
11 legislature of the State of Louisiana, hereinbefore particularly mentioned and referred to, should create, make, and constitute a valid and binding contract between the State of Louisiana and each and every holder of said bonds; which the said State should, and could, by no means and in no way or manner weaken or impair; that said bonds should be a valid and binding obligation of the said State in favor of any holder or holders thereof, that no courts should enjoin the payment of the principal or interest of said bonds, or the levy or collection of the tax therefor, and to secure such levy, collection, and payment, the judicial power should be exercised when necessary. That the tax required for the payment of the principal and interest of the consolidated bonds aforesaid, should be collected each and every year until the said bonds should be fully paid, principal and interest; that the proceeds should be paid by the treasurer of the State to the holders of
12 said bonds, as the principal and interest of the same should fall of due, and that no further legislation or appropriation should be requisit' for the assessment and collection of the tax aforesaid, and for the payment by the treasurer to the holders of the bonds and coupons aforesaid.

Further they show that the said amendment to the then constitution of Louisiana, so proposed by the general assembly of the said State, by the people of the State of Louisiana was in due form and course of law adopted, and that the said amendment became a part of the constitution of the State of Louisiana.

Your orators hereby respectfully refer to said act No. 3 of the sessions of 1874, to the act of the said year proposing amendments to the constitution of the State of Louisiana, to the constitutional amendment aforesaid, and to each and every part of the said acts and constitutional amendment, your orators now and hereby making the same a part and portion of this your orators' bill of complaint.

13 Your orators' further show unto your honors that subsequent to the passage of the statutes aforesaid, and to the adoption of the constitutional amendment hereinabove referred to, a certain portion of the indebtedness of the State of Louisiana, of the nature and character specified in said act No. 3, was duly presented to the board of liquidation aforesaid, and pursuant to the terms of the said act the said board, and the members and officers thereof, in said act mentioned, exchanged for such indebtedness consolidated bonds of the State of Louisiana, in strict conformity to the provisions and requirements of act No. 3 aforesaid, and duly and lawfully issued such consolidated bonds, sealed, signed, and executed in all respects as required by the provisions of the aforesaid law.

That the parties to whom said consolidated bonds were so issued duly surrendered to the aforesaid board the evidence of indebtedness, as required by the act aforesaid, and received in
14 lieu of such claims and indebtedness of the State consolidated bonds, relying upon the several provisions of the aforesaid funding act of the year 1874, and of the constitutional amendment of that year, and believing that the same would be strictly and faithfully carried out and performed.

That in and by each of the said consolidated bonds, taken and exchanged as aforesaid, the State of Louisiana acknowledged her indebtedness to the bearer thereof in the sum specified in said bond, and promised and obligated herself to pay the said bond, and the amount thereof, in lawful money of the United States, at the office of the State treasurer, in the city of New Orleans, State of Louisiana, on demand, after the first day of January, A. D. 1914, with interest at the rate of seven per cent. per annum, payable semi-annually, at the office of the State treasurer, in the city of New Orleans, State of Louisiana, or at the office of the fiscal agent of the State of Louisiana in the city of New York, on the first day of July
15 and January in each year, upon the surrender of interest-coupons attached to the said bonds, as the said coupons should severally become due. That in each of the said bonds it was further stated that the same was issued under the authority of, and in strict conformity to, an act of the general assembly of the State of Louisiana, approved January 24th, 1874, being act No. 3 of the same year. That each of said bonds was duly sealed with the great seal of Louisiana, and was signed by the governor, the auditor of accounts, and secretary of state of the said Louisiana. That to each of the said bonds coupons of semi-annual interest were attached, in and by each of which said coupons the said State of Louisiana promised to pay the bearer thereof, on the semi-annual interest day therein mentioned, in New Orleans or New York, at the option of the holder, the same being the six months' interest upon the aforesaid consolidated bonds. That each of said coupons was signed by the auditor and treasurer of the State
16 of Louisiana, and, in every respect, was executed and issued in strict conformity to the law authorizing the same. That on the outside of each of said bonds there was printed, or caused to be printed, by the State of Louisiana, a statement that the said bond was issued under the authority of the act of general assembly, approved January 24th, 1874, and that the payment of the principal and interest of the said bond was provided for by the levy of an annual tax, fixed and guaranteed by the constitution of the State, and not repealable by legislative enactment.

Your orators further show that said consolidated bonds were duly executed and delivered by the State of Louisiana to the amount of twelve millions of dollars, more or less; but the precise sum your orators are unable to state.

Further they show, that as trustees for a large number of persons, your orators are owners, holders, and bearers of a large number of the aforesaid bonds, issued pursuant to the funding act aforesaid
17 and the constitutional amendment hereinabove referred to, and that the amount of the bonds so held and owned by your orators exceeds the sum of nine hundred thousand dollars. That the bonds owned and held by your orators are fully designated and identified by the numbers and amounts thereof, set forth in the exhibits hereunto annexed, marked A, B, C, D, E, F, and which your orators, for greater certainty, make a part of this their bill of complaint.

That your orator, Nicholas Gwynn, is the owner, holder, and bearer, in his own right, of bonds so executed and issued by the State of Louisiana, as aforesaid, under and pursuant to said act No. 3, and the constitutional amendment aforesaid, of the year 1874, to the amount of four thousand dollars and upwards; and that the numbers and amounts of the bonds so held and owned by your orator, Nicholas Gwynn, are identified and designated in the exhibit

hereunto annexed marked "A," and which your orators also make a part of this, their bill of complaint.

Further, your orators show that, during and since the year
18 1874, there has been duly levied in the State of Louisiana, the tax provided for in the law and constitutional amendment aforesaid for the payment of interest upon the consolidated bonds hereinabove referred to; that a portion of the tax so levied has been collected in each year.

A portion has been annually delinquent, and is in process of collection in each year; more or less of the interest on said bonds has been paid, a portion of the interest on said bonds remaining annually unpaid; and that in each and every year a large amount of cash, being the proceeds of the tax aforesaid, has remained to the credit of the interest fund for the payment of interest upon the bonds aforesaid.

That there is, and now remains in the hands of the defendant, Burke, treasurer of the State of Louisiana, and in the hands of his codefendants, officers, as hereinbefore specified, and members of the said board of liquidation, the sum of $235,103.08, as your orators have been informed and believe to be true.

That of said sum, $133,351.33 were collected and paid into the
19 hands of the said defendant Burke, treasurer, and his codefendants officially, and as members of the board aforesaid, in, and during the year 1879; and that the balance of the said amount of $235,103.08, was collected and paid in during previous years.

That the exhibit hereunto annexed, marked G, shows the condition of the consolidated bonded debt of the State of Louisiana, arising under the funding act No. 3 aforesaid, upon the 10th day of August, 1879; the taxes that have been assessed and collected and that are delinquent, and in process of collection; the amount paid on coupons; the amount of cash to the credit of interest fund in the hands of the defendants; and, finally, the amount of interest upon said bonds due and unpaid.

That in the first column of said exhibit is shown the amount, for each year, of the five and one-half mills tax levied upon the assessed value of property for the year; in the second column of said exhibit is shown the amount of tax annually collected, down to the 10th day of
20 August, 1879; in the third column the amount of tax delinquent and in process of collection upon the date aforesaid; in the fourth column the amount of interest annually paid upon the bonds aforesaid; in the fifth the amount of tax collected each year for the account of the interest fund aforesaid not paid out; and in the last column of the aforesaid Exhibit G, is shown the amount of interest due and unpaid each and every year.

Your orators further show that since the 10th day of August, 1874, collections of the tax, levied and appropriated underact No. 3, and the constitutional amendment of 1874, have been made by the said defendants, and are now held by them to a large amount; that collections of the said tax are daily in process of being made, and that the said defendants are daily in receipt of the monies or proceeds of such tax; but the amounts of the collections and receipts aforesaid is unknown to your orators, and cannot therefore be stated by them.

And your orators further show unto your honors, that in the year
21 1879, the people of the State of Louisiana held a convention for the purpose of adopting a new constitution for that State; that a constitution having been adopted the same was duly submitted to the people of the State for their approval; that on the 2d day of December, 1879, an election was duly held in the State of Louisiana for

the purpose of taking the sense of the people aforesaid in reference to the approval or rejection of the said constitution, and that a majority of the votes cast at the said election having been given in favor of the constitution aforesaid, and the proclamation of the governor having been duly given, the constitution aforesaid is now the constitution of the State of Louisiana, and the organic law of that State.

That by the 208' article of said constitution of 1879, it is provided the State tax on property for all purposes whatever, including expenses of government, schools, levees, and interest shall not exceed, in any one year, six mills on the dollar of its assessed valuation; the tax
22 thus allowed being far less in amount than the sum authorized and prescribed by the aforesaid funding act No. 3, and the constitutional amendment of 1874.

That a part of the aforesaid constitution of 1879, known as the ordinance relative to the State debt, reads as follows:

"STATE DEBT.

"ART. 1. Be it ordained that the interest to be paid on the consolidated bonds of the State of Louisiana be, and is hereby, fixed at two per cent. per annum for fifteen years, and four per cent. per annum thereafter; and there shall be levied an annual tax sufficient for the full payment of said interest not exceeding three mills, the limit of all State tax being hereby fixed at six mills, provided the holders of consolidated bonds may, at their option, demand in exchange for the bonds held by them, bonds of the denomination of five dollars, one hundred dollars, five hundred dollars, one thousand dollars, to be issued at the rate of seventy-five cents on the dollar, and to be surrendered by such holders; the said new issue to bear interest
23 of four per cent. per annum, payable semi-annually.

"ART. 2. The holders of the consolidated bonds may, at any time, present their bonds to the treasurer of the State, or to an agent to be appointed by the governor, one in the city of New York, and the other in the city of London, and the said treasurer or agent, as the case may be, shall endorse or stamp thereon the words, 'Interest reduced to two per cent. per annum for five years from January 1st, 1880; three per cent. per annum for fifteen years, and four per cent. per annum thereafter'; provided the holder or holders of said bonds may apply to the treasurer for an exchange of bonds as provided in the preceding article.

"ART. 3. Be it further ordained that the coupons of said consolidated bonds falling due on the 1st of January, 1880, be, and the same is hereby, remitted, and any interest tax collected to meet said coupons is hereby transferred to defray the expenses of the State government."

And your orators further show unto your honors, that a large
24 portion of the money now in the hands of the said defendant Burke, treasurer, as aforesaid, and his codefendants, members of the board of liquidation, as aforesaid, consists of interest taxes, collected to meet the coupons of said bonds falling due the 1st day of January, 1880, and that a large portion of the tax of five and one-half mills levied for the year 1879, which is delinquent and in process of collection, is, and will be, for the purpose of meeting the coupons of said bonds falling due the 1st day of January, 1880, and that said tax is now in process of collection by the said defendants, and is daily being collected and received by them, to a large amount, but to what

extent your orators, being ignorant in the premises, are unable to state.

That most of the coupons due on the 1st day of July, 18 , have been paid by the tax for 1879, already collected, and that all of the money proceeds of the tax of 1879, in the hands of the defendants, or any of them, is required for the purpose of paying the coupons upon the
25 consolidated bonds aforesaid, falling due the first day of January, 1880; that the sum so collected and in the hands of the said defendant Burke, treasurer, as aforesaid, and the other defendants, members of the board of liquidation aforesaid, for the purpose of meeting the January coupons of 1880, amounts to a large sum, as your orators are informed and believe, to wit, the sum of $50,000.00.

That the sum in process of collection, and received by the said defendants, is still larger, to wit, the sum of $300,000.00, to the best of your orators' knowledge, information, and belief.

Your orators further show unto your honors, that the said defendant Louis A. Wiltz, now governor of the State of Louisiana, was president of the convention that adopted the constitution of 1879; that he greatly promoted that adoption, and that he intends to carry out the provisions thereof.

That the defendant Burke, was treasurer of the State of Louisiana at the time of the adoption of the aforesaid constitution, and holds
26 over, or continues in office under a provision of the organic law aforesaid, and that he has expressed or shown an intention to support the said constitution, and to use the funds collected as proceeds of the tax levied and appropriated by act No. 3, and the constitutional amendment of 1874, for purposes other than those expressed in said act, to wit, for the purpose stated in the constitution of 1879, and in that part thereof relative to State debt, to defray the expenses of the State government.

That all and singular the other defendants are State officers, elected under and pursuant to the State constitution of 1879, except perhaps, the fiscal agent aforesaid; and that the said defendants last referred to have also expressed an intention to abide by and to carry out all of the provisions of the fundamental law of Louisiana, to the best of your orators' knowledge, information, and belief.

That all of the said defendants, so far as your orators are in-
27 formed and believe to be true, intend to use the funds now in their hands, being the proceeds of the levy, appropriation, and collection of the five and one-half mills tax for the year 1879, in said act and constitutional amendment of 1874 specified, for other purposes than the payment of the interest on said bonds, and intend to divert the funds so collected, and in process of collection, from the payment of the interest on said bonds, as provided in the aforesaid funding act, and constitutional amendment, passed and adopted in the year of our Lord 1874, and to apply the same to the general uses and purposes of the State of Louisiana.

And your orators further show unto your honors, according to the best of their knowledge, information, and belief, the several defendants herein, and each and every one of them, unless prevented by this court from so doing, will entirely ignore the aforesaid act No. 3, and the constitutional amendment of the year 1874, and disregard the rights and privileges acquired by your orators, and the holders
28 of consolidated bonds, under such act and constitutional amendment—they, the said defendants, pretending and giving out that the same have been abrogated and destroyed by the present constitution of

the State of Louisiana; that they will endeavor to put into full force and immediate execution each and every provision and requirement of the fundamental law aforesaid—including article 208 of the present constitution of the State of Louisiana, and that portion thereof relating to the State debt, hereinabove particularly referred to; and that such acts and conduct will greatly impair the obligation of the contract hereinabove disclosed, and subject your orators to a loss and injury far exceeding a half a million of dollars.

Your orators further show, that the State of Louisiana has not paid and declines and refuses to pay the coupons on said bonds, which fell due on the first day of January, 1880, altho' the same were duly presented for payment; that your orators have no means to com-
29 pel the said State to pay said coupons; and that unless your orators can prevent the diversion of the fund collected, and in the process of collection, as aforesaid, from the uses prescribed in the act and constitutional amendment of 1874, and thereby, and otherwise, secure the enforcement of your orators' rights and privileges under the same by preventing an interference therewith, on the part of the defendants, your orators will be remediless in the premises.

Your orators further show, that the said defendants threaten, intend, and are about to divert all and singular the amounts collected in the several years from 1874 to 1879, inclusive, and also the several amounts in process of collection, not already paid out for interest, from the payment of any further interest on coupons due in said years, respectively, and from the purchase of any of said consolidated bonds, as required by said act No. 3 of the year 1874; and that such diversion will injuriously affect the value of the bonds owned and held by your
30 orators, and the value of all said consolidated bonds, and will make said bonds of less value by 50 per cent. than if no such diversion were made.

Further they show, that all of the provisions of the constitution adopted by the State of Louisiana in 1879, with respect to said consolidated bonds and the coupons of interest thereunto attached, are in conflict with article 1st, section 10, of the Constitution of the United States, which declares that "No State shall pass any law impairing the obligation of contracts, and therefore are invalid and void; and that the provisions of the said constitution of 1879, limiting the taxes to be imposed under that law, below the amount of tax fixed and levied by the aforesaid act No. 3, and which in any way affects or changes the levy of tax made by the aforesaid act of 1874, are also violative of the aforesaid provision of the Constitution of the United States, and are absolutely null and void.

Further your orators show unto your honors that they now distinctly aver and charge, as is hereinabove intimated and
31 alleged, that the said defendants do claim and insist, that the aforesaid constitution of 1879, of the State of Louisiana, in all of its parts and provisions, is valid, operative, and binding; that the aforesaid funding act No. 3, of the year 1874, and the constitutional amendment of that year, are subordinated to, and abrogated by, the aforesaid constitution of 1879; and that the constitution aforesaid, is a sufficient warrant to them, the said defendants, to divert the monies and fund collected, and to be collected, from the taxes levied by and under the aforesaid act of 1874, from the uses, purposes, and objects, provided by the said act, and to apply the same to such uses as may be and are prescribed by the organic law of 1879.

All which actings, doings, and pretences, on the part of said defend-

ants are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orators.

In consideration whereof, and forasmuch as your orators are remediless at law, and can have relief only in a court of equity,
32 where matters of the like nature are properly cognizable and relievable, and with a view to enjoin and restrain the defendants in the premises, until your orators can have the relief hereinafter prayed for, may it please your honors to grant unto your orators, during the pendency of this action, a writ of injunction, to be issued out of and under the seal of this honorable court, directed to the said defendants, and each and every one of them, according to the statute in such cases made and provided, enjoining and restraining the said defendants, and each and every one of them, from applying the taxes levied and appropriated in and by the aforesaid act No. 3, of 1874, and the proceeds of such taxes, collected and to be collected by virtue of that statute, and the amendment to the State constitution of Louisiana, adopted in 1874; not merely taxes levied and appropriated for the year 1879, but taxes levied and appropriated for prior and subsequent years, and the proceeds of all of such taxes collected or to be collected, to any other use or
33 purpose, than the payment of interest upon the aforesaid consolidated bonds, in the manner and to the extent hereinabove set forth, as well the interest covered by the interest coupons falling due January 1st, 1880, as that covered and embraced by all other coupons attached to the aforesaid consolidated bonds and the purchase, payment, and retirement of the bonds themselves, as prescribed and directed by the aforesaid funding act of 1874; and that in and by the preliminary writ of injunction aforesaid, the said defendants, and each and every one, and all of them, may be furthermore and especially enjoined and restrained from using the tax thereinabove referred to, and every part and portion thereof, levied for the year 1879, and to meet the coupons on the aforesaid bonds, which fell due January 1st, 1880, and the proceeds thereof collected and to be collected, to meet such coupons, to defray the expenses of the State government of the State of Louisiana.

That upon the final hearing of this cause, it may be ordered adjudged, and decreed—

34 1. That prior to, and at the time of the adoption of the present State constitution of the State of Louisiana, known and designated as the constitution of that State, for the year 1879; the funding act of 1874, known and designated as act No. 3 of the legislature of Louisiana in and for that year, so far as your orators' interests hereinabove disclosed are concerned, was all the time from its passage, has been, and, at the time of the rendition of the decree herein prayed for, is a valid and subsisting law of the State of Louisiana; that the act aforesaid, the constitutional amendment of 1874, and the several bonds and coupons of interest, held and owned by your orators as aforesaid, separately and together, constituted, were, and are good, valid, subsisting, and binding contracts between the State aforesaid and the bearers and holders of the consolidated bonds and coupons, the obligation of which contract cannot be lawfully or constitutionally impaired; and, that under and by virtue of such contract, your orators were
35 and are entitled to take and enjoy all the rights, privileges, taxes, and monies, particularly set forth and mentioned in act No. 3, and the constitutional amendment of 1874, aforesaid.

2nd. That so much of the aforesaid constitution of 1879, as alters, varies, modifies, or changes, or assumes, purports, or attempts to alter,

vary, modify, or change the provisions of the said act of 1874, and the constitutional amendment of that year, especially article 208 of the constitution of the year 1879, and that portion of such constitution, known and distinguished as the ordinance on "State debt," do impair the obligation of the contract hereinabove referred to; that the said parts and portions of such constitution are therefore violative of the Constitution of the United States, and are absolutely null and void, and without the slightest force or effect whatever against complainants; and afford and offer no authority or warrant to the said defendants, or any one or more of them to make such disposition or application of any part or portion of the aforesaid taxes, and the proceeds thereof,
36 collected and to be collected, as to enable the State, therewith, to defray the expenses of the State government, or to accomplish any purpose or purposes other than those prescribed in the aforesaid funding act, and constitutional amendment of 1874.

3d. That the defendants and each of them, may be adjudged and decreed to replace and reinstate to the credit of said interest fund any monies or funds that may have been diverted therefrom.

4th. That the preliminary writ of injunction be perpetuated and rendered final and absolute; that the said defendants, and each and every one of them, may be peremptorily enjoined and restrained from recognizing as valid, against your orators, article 208 of the constitution of Louisiana for the year 1879, and that portion of said constitution of Louisiana having reference to the consolidated debt of the State, more particularly described as the State debt ordinance, articles 1, 2, and 3, and from giving the slightest force or effect to the same in any way or manner prejudicial to your orators; that the said defendants
37 may be furthermore enjoined and restrained from ignoring the funding act and constitutional amendment of 1874, and from doing, and causing to be done, any act or thing whatsoever obstructing, preventing, or impeding, or tending, directly or indirectly, to obstruct, prevent or impede in the slightest degree the prompt, full, and complete execution and enforcement of the act and constitutional amendment aforesaid; and, finally, that the said defendants, and each and every one of them, may be enjoined and restrained to such other and further extent, and in such an additional way and manner, as the court may seem right and proper.

May it also please your honors to grant unto your orators a writ of subpœna of the United States of America, issued out of and under the seal of this honorable court, directed to the said Louis A. Wiltz, governor of the State of Louisiana; Sam. D. McEnery, lieutenant-governor of the State of Louisiana; Allen Jumel, auditor of the State of
38 Louisiana; E. A. Burke, treasurer of the State of Louisiana; Will A. Strong, secretary of state of the State of Louisiana; Robert N. Ogden, speaker of the house of representatives of the State of Louisiana, and the State National Bank of New Orleans, fiscal agent of the State of Louisiana, in their official capacities aforesaid, and members of the board of liquidation created and provided for in the aforesaid act of the year 1874, therein and thereby directing and requiring them, and each of them, upon a certain day and under a certain penalty therein named, to be and appear before this honorable court, then and there to answer all and singular the premises, and to stand to, abide by, and perform all such directions, orders, and decrees as may be made

against them in the premises, and as shall seem meet, right, and agreeable to equity and good conscience.

And your orators, as in duty bound, will ever pray, &c.

(Signed) LACEY & BUTLER,
Solicitors for Complainants.

(Signed) W. H. PECKHAM,
Of Counsel.

39 STATE OF LOUISIANA,
City of New Orleans:

Personally came and appeared before me, the undersigned authority, Geo. S. Lacey, one of the members of the law firm of Lacey & Butler, who are the solicitors for complainants in the above-entitled cause, and who being by me first duly sworn, doth depose and say, that he has read the foregoing bill, and knows the contents thereof; and that the facts, allegations, and averments therein set forth and contained are true.

He further says that this affidavit is not made by the said complainants, because they are all absent from the State of Louisiana, and as deponent believes they are all in the State of New York.

Lastly, that this affidavit is made to the best of deponent's knowledge, information, and belief, and not from personal knowledge particularly as to the funds in the hands of the treasurer and his codefendants aforesaid, and their contemplated disposition. This deponent, however, fully believes each and all of the allegations and averments made in the aforesaid bill of complaint to be true and correct.

40

(Signed) GEO. S. LACEY.

Sworn to and subscribed before me this 15th day of Jan'y, A. D. 1880.

(Signed) T. V. COUPLAND,
D'y Clerk.

Exhibit A.—Referred to and filed with the foregoing bill, Jan'y 16th, 1880.

In the circuit court of the United States for the district of Louisiana.
In equity.

To the honorable the judges of the circuit court of the United States for the district of Louisiana, sitting in equity.

STATE OF NEW YORK,
City and County of New York, ss:

Personally came and appeared before me, the undersigned authority, Nicholas Gwynn, who having by me been duly sworn, doth depose and say, that he is the owner and holder of the following bonds,

41 with certain coupons of interest attached thereunto, or belonging therewith, issued under and in strict accordance with the provisions of the funding act of the general assembly of the State of Louisiana, known and designated as act No. 3 of the sessions of 1874, and that he is now in the possession of the same, and has the absolute and unrestrained control thereof, namely, bonds numbered 2817, 2816, 2393, 2353, 1132, 1383, 2864, 3634, 1152, 2936, 469, 468, 467, 466, 335, 281, 279, 499, 278, 277, 3636, 3637, 3638, 3639, 3640, each of the denomination of five hundred dollars; and bond numbered 1709 of the denomination of one thousand dollars.

Further this deponent saith that there is now due and payable to him, for the interest now due and payable on said bonds, not less than one hundred and five dollars or thereabouts.

Deponent further says that he has heard read the annexed affidavits of John Elliott, Henry Walker, and of this deponent, subscribed and sworn to this 25th day of November, A. D. 1879, and knows the
42 contents thereof; and that all the facts, allegations, and averments made and set forth therein, except those in reference to the trust connection of the aforesaid affiants with the bonds referred to in their said affidavit, this deponent now reiterates and asserts, making such facts, allegations, and averments a part and portion of this affidavit, to the same extent and with the same force and effect as if each fact, allegation, and averment had been specially and minutely set forth herein.

(Signed) NICHOLAS GWYNN.

Subscribed and sworn to before me this 25th day of November, 1879.

[SEAL.] (Signed) DAN'L SEYMOUR,
Notary Public N. Y. City & Co.

The circuit court of the United States in and for the district of Louisiana. In equity.

To the honorable the judges of the circuit court of the United States for the district of Louisiana, in the fifth circuit, sitting in equity.

43 STATE OF NEW YORK,
City and County of New York, ss.

Personally came and appeared before me, the undersigned authority, John Elliott, Nicholas Gwynn, and Henry H. Walker, who having, by me, been duly sworn, did, severally, depose and say: that they are citizens of the State of New York, residing in the city of New York, in said State; that these deponents, as trustees for a large number of persons, are the owners and holders of certain bonds of the State of Louisiana, issued under and in pursuance to the provisions of an act of the general assembly of the said State, known and designated as act number three of the sessions of 1874, and of an amendment to the constitution of the State of Louisiana, made and adopted to that year. That the principal of said bonds amounts in the aggregate to a sum not less than one-half a million of dollars, or thereabouts. That attached to or belonging with the same, are a large number of coupons of interest @ 7% due, and to become due on said bonds, and that the said
44 bonds and coupons of interest are more particularly designated and set forth in the list or exhibit thereof hereunto annexed and made a part of this affidavit.

That the aforesaid bonds and coupons of interest were duly and legally issued by the State of Louisiana in the aforesaid act number three of the year 1874, for the purpose of funding and consolidating the prior indebtedness of the said State as these deponents have been informed and believe to be true.

That the said bonds and coupons were taken and acquired by the owners thereof, for whom these deponents are now acting as trustees as aforesaid, and by deponents as owners after the final passage and approval of act number three of the year 1874, and after the adoption of the constitutional amendment of the State of Louisiana, in reference to said act, upon the strength, and by reason, and on account of the

several provisions of such act and of the aforesaid constitutional amendments in good faith, in due course of business and for a
45 valuable consideration; and long before the meeting of the convention of the State of Louisiana, held in and for the year 1879, for the purpose of adopting a new constitution of that State.

Further these deponents say, that since the year 1874, the tax provided for in the statute aforesaid, has been annually and duly levied; that a portion of the taxes so levied and imposed has been collected from the tax-payers each and every year since that time; that each year a large amount has been passed to the credit of the interest fund; and that there is now in the hands of the State treasurer, for such fund collected by the State $235,103.08—$133,351.31 of that amount having been collected for the year 1879.

That the State treasurer has been requested to apply the moneys now in his hands as aforesaid to the payment and extinguishment pro tanto of such of the aforesaid coupons of interest as were due and payable at the time of such demand, and as now due and payable in accord-
46 ance with the provisions of the aforesaid funding act and constitutional amendment, passed and adopted as aforesaid, in the year 1874; but that the said treasurer refused to comply and still refuses to comply with such demand, and holds and retains in his hands the moneys aforesaid.

That since the acquisition of the bonds and coupons aforesaid, a new constitution and ordinance on State debt have been submitted to the people of the State of Louisiana for adoption and that the effect of such act and ordinance as claimed by the State of Louisiana, is to abrogate the funding act of 1874, and the constitutional amendment of the same year referring thereto, and to annul and render void the contracts and obligations created and established by the aforesaid act and constitutional amendment.

Further these deponents say, that notwithstanding the constitution of 1879, and the ordinance relating to the State debt, embodied therein or attached thereto, are opposed to the Constitution of the United
47 States, and are absolutely void and without legal force or effect, so far as they interfere with, or oppose the aforesaid provisions of the funding act of 1874, and the constitutional amendment of that year, yet these deponents have reason to fear and believe, and do fear and believe, that the aforesaid constitution of 1879, and the accompanying ordinance, will be sustained and adopted by a vote of the people of the State of Louisiana, and, in that event, these deponents have reasons furthermore to fear and believe, and they do furthermore fear and believe, that the State officers of the State of Louisiana will not carry out any of the provisions of the funding act and constitutional amendment of 1874, and that the State treasurer, refusing to apply the interest fund aforesaid to the payment of the interest now due and payable upon the consolidated bonds or State consols of 1874, hereinabove particularly referred to, will transfer the same to meet the ordinary expenses of the State government of the State of Louisiana, in
48 obedience to the provisions of the constitution of 1879, and the ordinance accompanying the same.

Further, these deponents say, that information of the adoption of the constitution of 1879, and the accompanying ordinance on State debt will necessarily be brought home to the State treasurer long before it can or will reach these deponents; that if there is a delay on the part of these deponents in taking action until after the election aforesaid, the State officers, and more particularly the State treasurer, long be-

fore these deponents can apply to the courts for relief, will transfer all the moneys in the hands of the State treasurer, collected or realized under act three of 1874 for the express purpose of paying the principal or interest of the bonds therein referred to, to the payment of the expenses of the State government of the State of Louisiana, and that thereby deponents will be subjected to a great and irreparable loss and injury, involving many thousands of dollars.

Further, they say, that an injunction, restraining the State
49 treasurer from so doing, and requiring him and the other State officers to carry out in full force and vigor the provisions of the funding act of 1874, and the constitutional amendment of that year, is essentially necessary in the due protection of deponents' legal and equitable rights in the premises, and that the sole and only object of these deponents in making this affidavit is to protect those rights, and to secure justice in the premises.

(Signed) JOHN ELLIOTT.
" NICHOLAS GWYNN.
" H. H. WALKER.

Subscribed & sworn to before me, this 25th day of November, 1879.
[SEAL.] (Signed) DAN'L SEYMOUR,
Notary Public, N. Y. City & Co.

List or exhibit of bonds & coupons referred to in the foregoing annexed affidavit of John Elliott, Nicholas Gwynn, and Henry H. Walker.

Consol bonds of the State of Louisiana, dated January 1st,
50 1874, due on demand after January 1st, 1914, interest payable semi-annually (January 1st and July 1st).

Coupons payable January 1st, 1880, and thereafter attached.

Coupons thereof not fully paid and belonging with the bonds, those payable January 1st, 1879, on which 35 % of the amount due thereon remains unpaid; those payable July 1st, 1879, on which 25 % of the amount due thereon remains unpaid.

The numbers of such bonds, which are of the denomination of $1,000 each, being as follows, namely: 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 5771, 5765, 5766, 7952, 7953, 4843, 266, 287, 581, 582, 583, 584, 590, inclusive; 1003, 1004, 1005, 1006, 1399, 1487, 1551, 1846, 1887, 2085, 2466, 3254, 3538, 4432, 4574, 4831, 5151, 5442, 6187, 6279, 6336, 6473, 6474, 6513, 6598, 6795, 7046, 7199, 7316, 7369, 7377, 7824, 8108, 8123, 8333, 8333, 8392, 8426, 8444, 8455, 8457, 8458, 8617, 9195, 9846, 2927, 2094, 2400, 1037, 3689, 276, 8125, 2095, 2610, 1072, 623, 2102, 2911, 3695, 8140, 5807, 3826, 3828, 3829, 3830, 3831, 2651, 2652, 2653, 2654, 2655,
2656, 164, 308, 467, 468, 484, 554, 1030, 1821, 1945, 1997, 2269,
51 3265, 3412, 3447, 3876, 3891, 3905, 4092, 4288, 4430, 4828, 5592, 5677, 6060, 6098, 6783, 1066, 6784, 6988, 6989, 256, 2732, 2640, 8391, 8103, 7985, 6941, 6324, 6516, 6086, 5128, 4543, 4418, 3704, 2912, 2735, 633, 4103, 4081, 4067, 3976, 1758, 11, 2434, 2594, 1146, 2106, 4394, 1662, 1663, 1664, 1665, 1666, 9616, 9617, 9615, 1648, 1844, 1879, 1925, 2224, 2940, 2947, 2981, 3175, 3184, 3276, 3313, 3401, 3479, 3618, 5688, 5701, 6106, 7239, 7457, 969, 5253, 5254, 5255, 7252, 9570, 3999, 1057, 1969, 165, 7163, 7291, 7438, 7454, 7456, 3246, 3858, 2336, 8110, 8795, 8827, 5804, 5805, 5806, 5808, 5809, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4723, 4724, 4725, 700, 666, 1090, 1091, 1094, 1214, 2960, 2980, 5249, 8405, 7966, 4720, 4721, 2722, 9549, 9550, 9551, 4228, 8772, 9994, 9456, 5820, 5821, 5822, 5823, 5824, 5825, 1191, 1344, 1368, 2111, 195, 1013,

1025, 1059, 1061, 1079, 1088, 1446, 1787, 2743, 2744, 3223, 3226, 3227,
3228, 3484, 3797, 3809, 3934, 4170, 4437, 4438, 4439, 4440, 4441, 4442,
4443, 4444, 4445, 4830, 5494, 6303, 6304, 6305, 6306, 6307, 6308,
52 6309, 8143, 9630, 9631, 9632, 9633, 9634, 9635, 6618, 6619, 6620,
5197, 7599, 8117, 9180, 9181, 2145, 7250, 9791, 7947, 8080, 54, 98,
2144, 9552, 9553, 1082, 2386, 3925, 3926, 5228, 5726, 6703, 7897, 8151,
239, 594, 1055, 1899, 7942, 7799, 7939, 7839, 5770, 238, 941, 942, 2052,
2623, 2624, 7881, 9636, 9637, 9638, 9645, 9646, 9647, 9640, 9639, 9641,
9642, 9643, 9644, 8483, 8484, 8485, 8486, 8487, 8488, 8489, 8490, 3993,
4607, 283, 437, 539, 1032, 1284, 1731, 1740, 2487, 2657, 2658, 2659, 2870,
2784, 3347, 3400, 3414, 3864, 3869, 4426, 5115, 5116, 5346, 5762, 7617,
8354, 8725, 9182, 5581, 4339, 4340, 3603, 3604, 3605, 3606, 3607, 3608,
3609, 3, 415, 1558, 3246, 3465, 987, 2232, 2233, 2234, 2235, 2236, 2551,
2252, 2253, 2254, 7527, 7528, 7529, 7530, 7531, 4537, 5312, 3660, 5315,
5198, 55, 154, 235, 458, 472, 496, 506, 517, 1029, 1328, 1430, 1431,
1433, 1434, 1437, 1449, 1465, 1526, 1694, 1983, 2117, 2604, 2797, 3324,
3366, 3378, 4045, 4396, 4712, 5180, 5561, 5562, 5563, 5604, 6089, 6869,
7314, 7584, 7940, 8077, 4863, 4864, 4865, 4866, 4675, 4676, 4677, 4678,
4679, 4680, 7286, 5952, 1036, 608, 1607, 8362, 7215, 7216, 7217,
53 7218, 7219, 7220, 7221, 7222, 7223, 7224, 489, 1508, 1878, 954,
6093, 5601, 4702, 4296, 2557, 254, 1927, 1926, 6094, 5918, 5889,
4077, 3874, 1889, 1890, 7373, 7192, 6836, 7812, 7339, 7750, 7813, 3696,
7171, 7340, 8403, 7259, 9568, 7642, 9567, 4372, 4639, 4758, 4364, 4366,
4367, 9569, 6819, 8453, 5840, 5841, 5839, 5842, 5764, 5838, 338, 3245,
7277, 4835, 4824, 2959, 8205, 7646, 7690, 5196, 6110, 6837, 5884, 5813,
3913, 3911, 2456, 251, 1849, 1850, 1170, 1027, 2555, 2963, 3186, 3320,
5465, 5639, 9151, 9196, 9827, 5774, 5775, 5776, 8297, 3955, 4344, 6698,
4343, 3886, 6747, 6748, 5527, 3656, 2558, 3654, 3655, 1585, 3216, 7011,
658, 6543, 200, 441, 493, 2858, 1914, 671, 79, 80, 81, 82, 101, 427,
664, 677, 686, 953, 955, 983, 1177, 1187, 1188, 1189, 1190, 1195,
1196, 1197, 1198, 1199, 1207, 1208, 1209, 1210, 1211, 1217, 2344,
2345, 2374, 2375, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425,
2426, 2427, 2428, 2429, 2430, 2431, 2432, 3718. 2720, 626, 628, 629, 1521,
1522, 1523, 1524, 1525, 1683, 4264, 5262, 5263, 5264, 5265, 5266, 5267,
5268, 6605, 3894, 4037, 4248, 5271, 5742, 5768, 522, 1504, 2549, 4809, 9822,
4376, 8397, 8396, 6317, 7819, 676, 69, 1498, 1705, 2465, 2582, 7385,
54 8183, 8206, 8436, 7760, 8178, 4526, 5566, 5658, 4484, 4497, 5225, 5682,
5795, 6691, 6692, 6693, 6077, 5723, 4557, 4556, 6170, 5722, 3658, 6628,
1120, 5616, 5866, 1709, 4515, 4521, 4486, 4661. 721 bonds, $1,000.00 each, $721,000.

The numbers of such bonds which are of the denomination of $500 each, being as follows, namely: 81, 82, 366, 55, 782, 943, 962, 1413, 1484, 1667, 1788, 847, 946, 930, 2585, 2586, 2587, 2588, 2589, 2590, 842, 302, 905, 602, 935, 1429, 1430, 1431, 272, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 194, 220, 118, 16, 71, 584, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 497, 1839, 369, 370, 351, 1335, 1336, 1337, 1338, 1339, 1340, 96, 97, 495, 540, 731, 836, 843, 489, 832, 839. 99 bonds of $500 each, $49,500.

The numbers of such bonds which are of the denomination of $100.00 each, being as follows, namely: 1051, 1052, 1053, 1054, 3367, 2131,
55 2132, 1405, 1406, 1407, 4286, 4287, 4288, 606, 3403, 608, 607, 3417, 3418,
657, 3692, 3768, 3769, 3770, 3719, 177, 178, 176, 3376, 3377, 3378, 175,
2204, 3715, 3716, 3717, 3718, 2390, 1773, 1774, 3940, 3941, 3942, 472, 1073,
1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 2110, 3423, 4200, 4201, 4202,

4203, 4305, 4306, 673, 2049, 2053, 3590, 3424, 4105, 4106, 4107, 4108, 4190, 4191, 4192, 2578, 4151, 4152, 4153, 4154, 3880, 372, 1038, 1039, 1040, 1041, 589, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 3541, 2973, 3926, 3390, 3391, 3755, 3756, 3757. 103 bonds of $100, $10,300.

F. G. & Co.: 2817, 2816, 2393, 2353, 1132, 1383, 2864, 3634, 1152, 2936, 469, 468, 467, 466, 336, 231, 279, 499, 278, 277, 3636, 3638, 3639, 3640, 3637. $2,500. Each of $100.00.

2450, 2499, 2460, $1,500. Each of $500.00,

That is to say:

721 bonds of	$1,000 each	$721,000
99 " "	500 "	49,500
103 " "	100 "	10,300
F. G. & Co.,	2,500 / 1,500	4,000
		$784,800

56 Dated New York, Nov. 25, 1879.

Exhibit B, made part of, and filed with the foregoing bill of complaint January 16th, 1880.

EXHIBIT.

Nos. 1099, 1393, 6058, 6147, 2385, 6341, 6544, 2895, 3571, 7844, 1144, 1145, 2444, 2469, 3491, 3602, 4107, 2933, 6439, 1784, 2719, 3562, 3585, 6735, 6729, 1788, 4082, 5602, 1417, 1453, 4249, 1515, 247, 1010, 1946, 1955, 2945, 3422, 3560, 3968, 3969, 646, 2874, 2634, 6555, 7410, 7683, 7167, 3566, 3256, 3349, 3348, 4252, 4253, 4254, 4255, 4256, 4257, 6221, 6528, 6705, 6711, 7382—63 bonds, @ $1,000	$63,000
434, 344, 911, 343, 66, 897, 367, 1, 1728, 2487, 2578, 2498, 2526, 2497, 2518, 2464, 2462, 2459, 382, 723, 251, 253, 129—23 bonds, @ $500	$11,500
92, 106, 520, 521, 522, 1017, 568, 588, 594, 1000, 1001, 1018, 1002, 1737, 1738, 1739, 1740, 1019, 1741, 1742, 999, 566, 1734, 1735, 1736, 4240, 4242, 1016—28 bonds, @ $100	$2,800
	$77,300

57

Exhibit C, made part of, and filed with the foregoing bill of complaint January 16th, 1880.

EXHIBIT.

Nos. 3743, 3744, 3742, 3745, 6675, 6676, 2747, 9624. 8 bonds, @ $1,000		$8,000 00
147, 148, 151, 149, 418, 867, @ $500 each		3,000 00
539, 540, 622, 623, 1428, 618, 619, 620, 621, 1441, 624, 625, 626, 627, 1448, 631, 632, 628, 629, 181, 1060, 179, 180, 187, 2381, 213, 2382, 2383, 2384—29 bonds, @ $100		2,900 00
		$13,900 00
Bonds of $1,000 each	$784,000	
" " 500 "	62,500	
" " 100 "	15,600	
		862,100 00
Total		$876,000 00

Exhibit D, made part of and filed with the foregoing bill of complaint, January 16th, 1880.

EXHIBIT.

58 Nos. 1681, 5686, 21, 7595, 5438, 6732, 2250, 4772, 7660, 7240, 4334, 6064, 4715, 3736, 6947, 2774, 2249, 4392, 7656, 2240, 6834, 173, 2530, 4161, 1335, 2251, 3526, 2159, 4115, 8121. 30 bonds, @ $1,000	$30,000
Nos. 1775, 1776, 2448, 2474, 2447, 2479, 2494, 2486. 8 bonds, @ $500	4,000
Nos. 4147, 4148, @ $100	200
	$34,200
	876,000
Total	$910,200

Exhibit E, made part of and filed with the foregoing bill of complaint, January 16th, 1880.

EXHIBIT.

Nos. 8789, 8788, 8787, 3192, 7354, 6944, 3962, 2460, 9976, 4836. 11 bonds, @ $1,000 each	11,000 00
738, 598, 1479, 308, 315, 1480, 1480, 1448, 1449, 1722, 1723 1724. 11, @ $500 each	5,500 00
4090, 1 @ $100	100 00
	$16,600 00
	910,200 00
Total	$926,800 00

59 *Exhibit F, made part of and filed with the foregoing bill of complaint, January 16th, 1880.*

EXHIBIT.

Nos. 6012 and 613, @ $1,000		$2,000 00
Previously stated		926,800 00
Total		$928,800 00
Nos. 150, @	$500	
" 630, "	100	
		600 00
Total		$929,400 00

Exhibit G, made part of and filed with the foregoing bill of complaint, January 16th, 1880.

Consolidated bonded debt of the State of Louisiana August 10th, 1879:

Funded to date	$11,777,100 00
Outstanding, $423,500 convertible @ 60c	254,100 00
Total	$12,031,200 00

60

Year.	5½ mills tax assessed to pay interest.	Amount collected to Aug. 10, '79.	Delinquent and in process of collection.	Amount of coupons paid by treasurer.	Cash to credit of interest fund.	Interest due and unpaid.
1874	$1,225,752 27	$873,862 16	$351,890 11	$735,400 00	$34,601 80	$88,997 00
1875	1,114,320 12	774,429 72	339,890 40	734,884 50	3,367 89	89,512 50
1876	1,075,239 38	6-8,098 34	387,141 04	660,187 50	34 95	164,209 60
1877	960,308 38	738,414 43	221,893 95	719,421 50	26 85	104,975 50
1878	974,928 53	702,556 81	272,371 72	626,519 88	63,720 26	197,877 62
1879	973,500 00	300,107 39	673,392 61	161,700 00	133,351 33	230,498 50
Total	$6,324,048 68	$4,077,468 85	$2,246,569 85	$3,638,112 88	$235,103 08	$896,070 62

Delinquent taxes due interest fund		$2,246,569 83
Past due interest outstanding	$896,070 62	
Deduct cash in treasury to the credit of interest fund	235,103 08	
Leaves interest outstanding		660,967 54
		$1,585,602 29

Subpœna in chancery to L. A. Wiltz, governor of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

61 You are hereby commanded to summon Louis A. Wiltz, governor of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery, filed against him and others, wherein John Elliott and others are complainants, and said Louis A. Wiltz, governor, and others, are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court,
62 on or before the first Monday of March, 1880; otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND,
D'y Clerk.

Marshal's return.

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of the within subpœna in chancery on Louis A. Wiltz, governor of the State of Louisiana, by handing a copy of the same to him in person, in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to Samuel D. McEnery, lieutenant-governor of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Samuel D. McEnery,
63 lieutenant-governor of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery filed against him and others, wherein John Elliott and others are complainants, and Samuel D. McEnery, lieutenant-governor, and others are defendants.

Herein fail not and have you then and there this writ with your endorsement thereon, how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the circuit court of the United
64 States, on or before the first Monday of March, 1880; otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND,
D'y Clerk.

Marshal's return.

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of the within subpœna in chancery on Samuel D. McEnery by handing a copy of the same to him in person in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to Robert N. Ogden, speaker of the house of representatives of the State of Louisiana.—Issued January 16, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Robert N. Ogden, speaker
65 of the house of representatives of the State of Louisiana, to appear

before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March 1880, then and there to answer a bill in chancery, filed against him and others, wherein John Elliott and others are complainants and said Robert N. Ogden and others are defendants.

Herein fail not, and have you then and there this writ with your endorsement thereon, how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter
66 his appearance in the clerk's office of the United States circuit court on or before the first Monday of March, 1880; otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND,
D'y Clerk.

Marshal's return.

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of the within subpœna in chancery on Robert N. Ogden, by handing a copy of the same to him in person in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to Will A. Strong, secretary of state of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States, to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summons Will A. Strong, secre-
67 tary of state of the State of Louisiana to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery filed against him and others, wherein John Elliott and others are complainants, and said Will A. Strong, secretary of state, and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court
68 on or before the first Monday of March, 1880; otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND,
D'y Clerk.

Marshal's return.

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of within subpœna in chancery on Will A. Strong, by *a* handing a copy of the same to him in person in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to Allen Jumel, auditor of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Allen Jumel, auditor
69 of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery filed against him and others, wherein John Elliott and others are complainants, and said Allen Jumel, auditor, and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court
70 on or before the first Monday of March, 1880, otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND,
D'y Clerk.

Marshal's return.

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of the within subpœna in chancery on Allen Jumel, auditor, by handing a copy of the same to him in person in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to Edward A. Burke, treasurer of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Edward A. Burke, treasurer of the State of Louisiana, to appear before the honorable the judges

71 of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery filed against him and others, wherein John Elliott and others are complainants, and said Edward A. Burke and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court, on or before the first Monday of March, 1880; otherwise the bill may be taken pro confesso,

(Signed) T. V. COUPLAND,
D'y Clerk.

72 *Marshal's return.*

Received January 16th, 1880, by the U. S. marshal, and on the 17th day of January, 1880, served a copy of the within subpœna in chancery on Edward A. Burke, treasurer, by handing a copy of the same to him in person, in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
D'y Marshal.

Subpœna in chancery to the State National Bank of New Orleans, fiscal agent of the State of Louisiana.—Issued January 16th, 1880.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon the State National Bank of New Orleaas, fiscal agent of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United
73 States of America, at a circuit court to be holden on the first Monday of March, 1880, then and there to answer a bill in chancery, filed against it and others, wherein John Elliott and others are complainants and said State National Bank of New Orleans and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 16th day of January, in the year of our Lord one thousand eight hundred and eighty, and the 104th year of American Independence.

[SEAL.] (Signed) T. V. COUPLAND,
D'y Clerk.

The defendant is hereby notified that it is required to enter its appearance in the clerk's office of the United States circuit court on or

before the first Monday of March, 1880; otherwise the bill may be taken pro confesso.

(Signed) T. V. COUPLAND.
Dy Clerk.

74 : *Marshal's return.*

Received January 16th, 1880, by the U. S. marshal, and on the same day, month, and year, served a copy of the within subpœna in chancery on the State National Bank by handing a copy of the same to Samuel H. Kennedy, the president, in person, in the city of New Orleans, La.

(Signed) THOMAS BOSWELL,
Dy Marshal.

Motion for restraining order, &c., presented to the court.—Extract from the minutes.

November term, 1879.

NEW ORLEANS, WEDNESDAY, *January* 28, 1880.

Court met pursuant to adjournment. Present, Hon. E. C. Billings, district judge.

JNO. ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL., } No. 8977.

This day, in open court, came Lacey & Butler, the solicitors for the complainants, and, in their behalf, presented a motion for a re-
75 straining order, and a rule on the defendants to show cause why a preliminary injunction should not issue as prayed for in complainant's bill of complaint, and the court took the same under advisement.

Motion for restraining order and preliminary injunction.—Filed January 29th, 1880.

U. S. circuit court, district of Louisiana.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

On motion of Lacey & Butler, solicitors for complainants, and upon suggesting and showing to the court—

That this suit was instituted against Louis A. Wiltz, governor of the State of Louisiana; Sam. McEnery, lieutenant-governor; Allen Jumel, auditor of the State of Louisiana; E. A. Burke, treasurer of the State of Louisiana; Will A. Strong, secretary of state of the State of *the State of* Louisiana; Robert N. Ogden, speaker of the house of representatives of the State of Louisiana; State National Bank of New
76 Orleans, fiscal agent of the State of Louisiana, who, it is averred, constitute the board of liquidation of the State of Louisiana.

That the intent and object of this suit is to enjoin and restrain the said defendants, each and every one of them, from executing the State constitution of the State of Louisiana, for the year 1879, which is con-

flict with the aforesaid funding act of 1874, and with the Constitution of the United States; and to prevent them, the said defendants, from applying the taxes levied and appropriated by the aforesaid act No. 3, and the proceeds of such taxes, collected and to be collected, to any other use or purpose than the payment of interest upon and the retirement of the consolidated bonds, issued under and by virtue of that statute—especially such parts or portions of the said tax, levied for the year 1879, for the purpose of meeting coupons of interest which matured on the first day of January, 1880.

And upon further suggesting and showing to the court that there has been commenced since the filing of the bill herein, and is now
77 pending in the 6th district court of the parish of Orleans, State of Louisiana, a certain suit, entitled State of Louisiana ex rel. Isidore Newman vs. Ed. A. Burke, treasurer of the State of Louisiana, et al., known and designated upon the docket of said court as suit No. 10826; that in such suit defendant, Burke, has stated that the amount of cash received in the treasury up to Jan'y 21, 1880, inclusive, applicable to the interest coupons of the consolidated bonds referred to in the bill of complaint herein filed, due and payable July 1st, 1879, and the 1st of January, 1880, is $255,885.97, out of which has been paid $4,638.71, leaving a balance of money on hand January 21st, 1880, of $251,247.26, $49,336.21 thereof being applicable to the payment of interest due July 1, 1879, and $201,911.06 to the payment of interest due on the 1st of January, 1880; and that in and by said suit Isidore Newman is seeking to obtain out of the monies aforesaid the sum of $216,000.00, and the State National Bank, the fiscal agent of the State of Louisiana, the entire amount of $251,247.26, and thus to deprive complain-
78 ants of so much of the interest fund and of the matter and thing which forms a part and portion of their demand in this suit.

And upon further suggesting that a restraining order and preliminary writ of injunction is absolutely essential to protect complainant's rights in the premises:

It is ordered that a restraining order issue herein, enjoining and preventing the several defendants hereinabove named, until otherwise directed, from applying the taxes levied and appropriated by act No. 3 of the sessions of the general assembly of Louisiana, held in the year 1874, and the proceeds of such taxes, collected and to be collected by virtue of that statute, and the amendment to the State constitution of Louisiana, adopted in 1874, not merely taxes levied and appropriated for the year 1879, but taxes levied and appropriated for prior and subsequent years, and the proceeds of all such taxes, collected or to be collected, to any other use or purpose than the payment of interest upon the aforesaid consolidated bonds, in the manner and to the extent set forth
79 in complainants' bill of complaint, as well the interest covered by the interest coupons falling due January 1, 1880, as that covered and embraced by all other coupons attached to the consolidated bonds issued under the aforesaid act No. 3, and the purchase, payment, and retirement of the bonds themselves, as prescribed and directed by the funding act aforesaid.

Furthermore enjoining and preventing the said defendants from using the tax levied and appropriated by said act No. 3, for the year 1879, and to meet the coupons on the bonds aforesaid, which fell due January 1, 1880, and the proceeds thereof collected, and to be collected, to meet such coupons, for the purpose of defraying the expenses of the State government of the State of Louisiana, or any other purpose not contemplated and provided for in said act No. 3.

And it is furthermore ordered, that the said defendants show cause on the day of January, A. D. 1874, why a preliminary
80 injunction should not issue to the extent hereinabove set forth, and in conformity to the prayer contained complainants' bill of complaint.

STATE OF LOUISIANA,
City of New Orleans:

Geo. S. Lacey, one of the attorneys for complainants, being duly sworn, doth depose and say, that the facts and allegations set forth and contained in the foregoing motion are true, to the best of deponent's knowledge, information, and belief, and that this affidavit is made by deponent, and not by the complainants, because they are all absent from the State of Louisiana, and are now in the State of New York.

(Signed) GEO. S. LACEY.

Sworn to & subscribed before me this 28th day of Jan'y, A. D. 1880.

(Signed) J. A. CHARBONNET,
D'y Clerk.

Order: Motion for restraining order overruled.—Extracts from the minutes of Jan'y 29, 1880.

JOHN ELLIOTT ET ALS.
81 *vs.* } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

Upon due consideration of the motion for a restraining order herein submitted by the complainants on yesterday, it is ordered by the court that said motion be refused, and be put on file in the record.

Entry at rules.—Extract from chancery order book, February 2, 1880.

JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

The State National Bank, by James McConnell, its solicitor, has this day entered its appearance to complainants' bill of complaint.

Entry at rules.—Extract from chancery order book.—March 1, 1880.

JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

82 Louis A. Wiltz, governor, Sam'l D. McEnery, lieutenant-governor; Robert N. Ogden, speaker of the house of representatives; Will A. Strong, secretary of state; Allen Jumel, auditor; Edward A. Burke, treasurer, defendants herein, by their solicitor J. C. Egan, att'y-general, have this day entered their appearance to complainants' bill of complaint.

Plea.—Filed March 27th, 1880.

U. S. circuit court, district of Louisiana.

JOHN S. ELLIOTT ET AL.
vs.
LOUIS A. WILTZ, GOVERNOR, ET AL. } No. 8977.

The plea of Louis A. Wiltz, governor of Louisiana; Sam. D. McEnery, lieutenant-governor of Louisiana; Allen Jumel, auditor of Louisiana; E. A. Burke, treasurer of Louisiana; Will A. Strong, secretary of state of Louisiana; Robert A. Ogden, speaker of the house of representatives of Louisiana, and the State National Bank of New Orleans, fiscal agent of the State of Louisiana.

83 Defendants allege that they are all officers of the State of Louisiana; that they are the instruments of the State in carrying on its government. And defendants allege that this proceeding is in reality a suit against the State of Louisiana, of which this honorable court has no jurisdiction.

And the defendants pray the judgment of this hon. court whether they should be compelled to make any further answer to complainants' bill, and they pray to be hence dismissed with costs.

(Signed) J. C. EGAN,
Att'y-General.

Extract from chancery order book.—March 27th, 1880.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

Louis A. Wiltz, governor of La.; Sam. D. McEnery, lieut. governor of La.; Allen Jumel, auditor of La.; E. A. Burke, treasurer of La.; Will A. Strong, secretary of state of La.; Robert N. Ogden, speaker of the house of representatives of La.; and the State National Bank of New Orleans, fiscal agent of the State of La., defendants herein, by J. C. Egan, attorney-general of the State of Louisiana, have this day filed their plea to the complainants' bill of complaint.

84 *Motion and order: Case fixed for trial.—Extract from the minutes of April 7*, 1880.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOVERNOR, ET AL. } No. 8977.

On motion of Lacey & Butler, solicitors for complainants, and on showing to the court that the delay allowed by the court, under rule 67, for taking depositions, has expired, and no depositions have been taken, and no enlargement of the time been granted, it is ordered that the case be set down for hearing on 27th April, 1880, at 11 a. m., and that defendants be notified.

Submission of plea.—Extract from the minutes of April 17th, 1880.

JOHN ELLIOTT ET ALS. vs. LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

85 The defendants' plea to the bill was this day submitted to the court without argument.

Joint and several plea of L. A. Wiltz et als.—Filed, with leave of court, December 1, 1880.

Circuit court of the United States.

JOHN ELLIOTT ET ALS. vs. LOUIS A. WILTZ, GOV'R, ET AL. } In chancery. No. 8977.

The joint and several plea of Louis A. Wiltz, governor of the State of Louisiana; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; E. A. Burke, treasurer; Will A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and the State National Bank of the State of Louisiana, the fiscal agent, defendants, in a bill filed in the court above named by the plaintiffs, having the number on the docket as stated.

The defendants, not acknowledging the truth of the allegations, statements, and charges in the bill as aforesaid, as contained in the
86 same, for plea to the said bill, and to the discovery and relief sought for therein, jointly and severally, say:

These defendants, at the date of the filing of the bill, and thence hitherto, were legally holding the offices as stated in the bill and in this plea, under elections and appointments made according to the existing constitution and laws of the State, and with no other powers, faculties, or functions, other than as they are regulated and defined by the said constitution, and the laws in force in harmony with the same.

For further plea the defendants say that all matters relating to the taxation to be borne by the inhabitants of the State of Louisiana, and in respect to the imposition of taxes upon the property existing under the dominion of the State, are of the class of subjects appertaining to the people of the State and to the sovereign power of taxation, and that the assessment, collection, and appropriation of taxes, or
87 money derived from taxes, belongs exclusively to the people, and is deferred from time to time to such agents, authorities, or representatives as they may appoint, and to none other; and there does not exist within the State of Louisiana any authority to exercise these powers, except as the people shall designate and appoint.

For further plea, these defendants say, that since their induction into their several offices, and since the date of the filing of this bill, they have not had in their official custody, control, or keeping, any sums of money whatsoever otherwise than as money belonging to the State of Louisiana, and as entirely subject to the power of the State of Louisiana, and without any faculty or power of appropriation or use by these defendants, except as they shall be specially directed, and that all of the allegations, charges, or statements of the bill that they, or either of them, have any money applicable to the demand or claim of the said plaintiffs, or which the defendants have been ordered to apply,

are untrue in substance and matter of fact. These defendants
88 further aver, that they have no power, faculty, or license, to inquire whether the said plaintiffs are creditors of the State of Louisiana by bonds or coupons, as they have stated in the bill, with any view or purpose of auditing, ascertaining, and paying the debt if they should find one to exist. These defendants disclaim the authority or faculty to entertain any inquiry of the kind as part of their official duty, and deny the claim of the plaintiffs to interrogate them on a subject beyond their competency.

But all such questions are to be referred to the general assembly of the State, or to the people of the State, in their supreme and sovereign capacity, and not to them. And these defendants deny that the plaintiffs have any right, title, or claim, to call upon them, personally or officially, to answer the charges and allegations of the said bill in respect to their claims on the State of Louisiana, and whether such claims are honest, and are valid charges against the State; and whether
89 the moneys existing in the State treasury as belonging to the State, are applicable thereto, contrary to the directions and command of the legislature and people of the State as expressed in their constitution and laws, and as controlling the defendants. And these defendants are not answerable on such charges and allegations, and not authorized or capable to make answer.

All which matters the defendants affirm to be true, and are ready to maintain, and pray the judgment of the court thereon, and that the bill may be dismissed.

(Signed) J. C. EGAN,
Att'y-General.

I certify this plea, in my opinion, is well founded in point of law, and not filed for delays.

(Signed) J. C. EGAN,
Att'y-General.

STATE OF LOUISIANA,
Parish of Orleans:

Personally came, and appeared before me, the undersigned authority, Allen Jumel, auditor of the State of Louisiana, and E. A. Burk, treasurer, defendants in the above entitled suit, who, being duly
90 sworn, depose and say that the plea is true.

(Signed) ALLEN JUMEL,
State Auditor.
E. A. BURKE,
State Treasurer.

Sworn to, and subscribed to, before me, this 29th day of November, A. D. 1880.

[SEAL.] (Signed) WILL A. STRONG,
Secretary of State.

On motion of J. C. Egan, att'y-general, att'y for respondents, it is ordered that def'ts have leave granted to file this plea, Dec. 1, 1880.

Extract from chancery order book.— Wednesday, December 1, 1880.

JOHN ELLIOTT, ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } 8977.

Louis A. Wiltz, governor; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; E. A. Burke, treasurer; Will A. Strong, secretary of state; Robert A. Ogden, speaker of the house of repre-
91 sentatives, and the State National Bank of the State of La., the fiscal agent, leave of court first had, by J. C. Egan, attorney-general for the State of Louisiana, have this day filed their joint and several plea to the complainants' bill of complaint.

Order allowing filing of plea.—Extract from the minutes, November term, 1880.

NEW ORLEANS, *Wednesday, December* 1, 1880.

Court met pursuant to adjournment.
Present, Hon. E. C. Billings, district judge.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

On motion of J. C. Egan, attorney-general, and on presenting to the court the joint and several plea of Louis A. Wiltz, governor of the State of Louisiana, Sam'l D. McEnery, lieutenant-governor, Allen Jumel, auditor, E. A. Burke, treasurer; Will A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives, and the
92 State National Bank of the State of Louisiana, the fiscal agent, defendants herein—

It is ordered that the said defendants have leave to file said joint and several plea.

Motion & order: Plea assigned for hearing.—Extract from the minutes of January 6th, 1881.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

On motion of J. C. Egan, attorney-general of the State of Louisiana, ordered that the amended plea herein filed by the defendants be set down for hearing on Saturday, 15th instant, at 11 a. m., and that the complainants be notified thereof.

Motion for leave to file issue on plea.—Entered & filed January 10th, 1881.

U. S. circuit court, district of Louisiana.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

93 On motion of Lacey & Butler, solicitors for complainants, it is

ordered that they have leave to file issue to the plea herein presented and filed December 1st, 1880.

Issue on plea.—Filed January 10th, 1881.

U. S. circuit court, district of Louisiana.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

And now, before the court come John Elliott, Nicholas Gwynn, and Henry S. Walker, who are citizens of the State of New York, residing in the city of New York, herein acting for the benefit of themselves and all others similarly situated, who may come in and contribute to the expenses of this suit.

And these appearers show unto the court that true it is, that the several defendants named and set forth in complainants' bill of complaint, at the time of filing such bill, were and since that time
94 have been, legally holding and filling the several offices, as stated in such bill, under elections and appointments made according to the existing constitution and laws of the State of Louisiana; but these appearers deny that they have not had, and have not now, other powers, faculties, and functions than those regulated and defined by the said constitution, and the laws in force in harmony therewith.

2. These appearers furthermore deny that all matters of taxation to be borne by the inhabitants of the State of Louisiana, appertain to the sovereignty of the State, in such a sense as to belong exclusively to the people, and to be deferred from time to time, only to such agents, authorities, or representatives, as they may appoint. On the contrary, the assessment, collection, and appropriation of taxes, or money derived from taxation, is merely incidental to sovereignty, and may become the subject-matter of a contract in manner and form, and to the extent set forth in complainants' bill of complaint, in connection with the tax in controversy in this suit.

95 3. These appearers specially deny that since the induction of defendants into office, and since filing complainants' bill of complaint they have not had, in their official custody, keeping, and control, any sum of money whatsoever, otherwise than as money belonging to the State of Louisiana, and as entirely subject to the power of the State, and without any faculty or power of appropriation or use, except as they shall be specially directed; and these appearers allege and aver that all of the charges or statements of the bill that the said defendants have, or either of them has, money applicable to the demand or claim of the said plaintiffs, and which defendants have been ordered to apply, are true and correct.

4. And these appearers furthermore deny that allegation or averment of defendants' plea, wherein it is stated and charged that they have no power, faculty, or license to enquire whether the said plaintiffs are
96 creditors of the State of Louisiana, by bonds or coupons, as stated in complainants' bill of complaint; and these appearers aver the existence of such power, faculty, or license to the fullest extent, as stated and charged in complainants' bill of complaint.

5. Deny that defendants are not liable to be called upon, personally or officially, in manner or form as is set forth and described in complainants' bill of complaint; and specially deny the allegations and averments of respondents' plea in reference to that subject.

Wherefore, these appearers now take issue on the plea aforesaid, and pray the court that in due course of proceedings the said plea may be overruled and dismissed at respondents' costs; and that such other and further order, judgment, and decree may be entered, as may be in accord with equity and the rules of practice of this honorable court.

(Signed) LACEY & BUTLER,
Solicitors for Complainants.

Submission of amended plea.—Extract from the minutes of January 15, 1881.

97 JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

By consent of counsel herein, present in open court, the amended plea herein is submitted to the court without argument.

Rule.—Entered & filed April 13th, 1881.

U. S. circuit court, eastern district of La.

JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

On motion of Lacey and Butler, of counsel for complainants, and upon filing an affidavit in support thereof:

It is hereby ordered that the defendants do show cause on Saturday, the 16th day of April, A. D. 1881, at 11 a. m., why the statement of facts found by the court in State of Louisiana ex rel. John Elliott et als. vs. Allen Jumel, auditor, et al., No. 9052 of the docket of
98 this honorable court, should not be filed herein, and the facts therein disclosed should not be taken and acted upon by the judge as facts in this case.

Or, why this cause should not be reinstated upon the docket of this court with a view to enable complainants to offer testimony in support of the averments and allegations of the issue taken to the amended plea.

Or, why such testimony and proofs should not be received and acted upon by the judge without disturbing the submissions already made of the plea to the jurisdiction, and the amended plea filed December 1, 1880.

Complainants are willing that the within order should be made obsolute for either one of the alternatives therein set forth, as defendants may elect or the court order.

(Signed) LACEY & BUTLER,
Solicitors.

Marshal's return on rule.

Received April 13th, 1881, by the U. S. marshal, and I served
99 a true copy of the within rule in the following manner and date, to wit; James McConnell, esq., personally, April 14th, 1881; J. C. Egan, esq., by leaving the same at his office in the hands of W. B. Sommerville, esq., April 15th, 1881.

(Signed) E. S. CURRY,
D'y U. S. Marshal.

Continuance of rule.—Extract from the minutes of April 16th, 1881.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZ, GOV'R, ET AL. } No. 8977.

Upon the motion of Lacey & Butler, solicitors for plaintiffs, ordered that the rule herein, returnable this day, be continued till Saturday, 23d instant, at 11 a. m., and that defendants be notified thereof.

Order: statement of facts found in case No. 9052 to be adopted in this case.—Extracts from the minutes, April 23, 1881.

JOHN ELLIOTT ET ALS.
vs.
LOUIS A. WILTZS, GOV'R, & AL. } No. 8977.

100 The rule herein taken on 13th instant, came on for hearing—Lacey & Butler, for movers; J. A. Campbell, for def'ts in rule—when, by consent of counsel for the def'ts, the complainants, by Lacey & Butler, their counsel, adopted the statement of facts found by the court in the case of the State of Louisiana ex rel. John Elliott et als. vs. Allen Jumel, auditor, et el., No. 9052 of the docket of this court, as filed herein, and the facts therein disclosed shall be taken and acted upon by the judge as facts in this case.

Copy of statement of facts found in suit No. 9052.—Filed May 2d, 1881.

UNITED STATES OF AMERICA:

Circuit court of the United States for the fifth judicial circuit and eastern district of Louisiana.

STATE OF LOUISIANA, EX REL. JNO. ELLIOTT et als.
vs.
ALLEN JUMEL, AUDITOR, ET AL. } No. 9052.

101 *Findings of fact and conclusions of law, marked X.—Filed March 23, 1881.*

The court finds the following facts as the facts of this case:

At a session of the general assembly of the State of Louisiana, held in the year 1874, an act was duly passed providing for the funding of obligations of the State by their exchange for bonds, and was duly approved by the governor of such State January 24th, 1874. The statute aforesaid is found on page 39 of the bound session laws of Louisiana, for the year 1874.

That in and by the statute aforesaid it is, among other things, provided that, for the purpose of consolidating and reducing the floating and bonded debt of the State, the governor, lieutenant-governor, auditor, treasurer, secretary of state, and speaker of the house of representatives of the State of Louisiana, shall cause to be prepared and to issue bonds to be known as "consolidated bonds of the State of Louisiana," of the denominations of $100, $500, and $1,000, to the

amount of $15,000,000.00, or so much thereof as may be necessary, all payable 40 years from the 1st day of January, A. D. 1874, to be numbered consecutively, payable to bearer, and to bear interest at the rate of seven per cent. per annum, payable semi-annually, in the city of New York and the city of New Orleans, on the 1st day of July and January of each year, and coupons for such interest to be annexed thereto, said interest and principal to be payable in lawful money of the United States.

That in and by the act aforesaid, it was also provided that the governor, lieut.-governor, auditor, treasurer, secretary of state, and speaker of the house of representatives of the State of Louisiana, shall constitute a board of liquidation, and that a majority of said board shall elect a fiscal agent for the State, who should be a member of said board.

It was also enacted, in and by the act aforesaid, commonly known and designated as the funding act of 1874, that the bonds, authorized and required by that statute to be issued, should be signed by the governor, auditor, and secretary of state; that the coupons of interest should be signed by the auditor and treasurer, and that such bonds should be exchanged by the board of liquidation for all valid outstanding bonds of the State and all valid warrants drawn previous to the passage of said act by the respective auditors of public accounts of the State on the treasurer thereof, except warrants issued by the auditor in payment of the constitutional officers of the State, at the rate of 60 cents in consolidated bonds for one dollar in outstanding bonds and valid warrants.

That it was also enacted in the aforesaid funding law that a tax of 5½ mills on the dollar of the assessed value of all real and personal property in the State of Louisiana shall be annually levied; and in and by said law such annual tax of 5½ mills was actually levied and imposed upon such property, and was ordered and required to be collected, for the purpose of paying the interest and principal of the aforesaid consolidated bonds of the State of Louisiana; and the revenues derived from the said tax by the said act were set apart and appropriated to the payment of such principal and interest exclusively.

That in and by the said statute or funding act of 1874 it was also prescribed that if, during any year, there should be a surplus arising from said tax, after paying all interest falling due in that year, such surplus shall be used for the purchase and retirement of the bonds authorized by that act; said purchase to be made by the said board of liquidation from the lowest offers, after due notice; provided that the tax for interest, and all other State purposes, except the support of public schools, shall never exceed 12½ mills on the dollar. The interest tax, in and by the funding act aforesaid, was made a continuing tax until the said consolidated bonds shall be paid or redeemed, principal and interest; and the said appropriation, in and by the said act, was made a continuing annual appropriation. And in and by said law it was made the duty of the auditor, treasurer, and board of liquidation, respectively, to collect said tax annually, and pay said interest, and redeem said bonds, until the same shall be fully discharged.

That it was also prescribed and enacted in the said act that each and every one of the enactments and provisions thereof should be a contract between the State of Louisiana and each and every holder and bearer of the bonds and coupons issued under that statute.

That the funding act, or statute aforesaid, is more fully and with

great particularity and correctness set forth in the original petition filed in this cause.

That at the same sessions of the general assembly of Louisiana, held in the year 1874, another act was duly passed, entitled "An act proposing amendments to the constitution of the State of Louisiana," known and designated as act No. 4, approved January 24th, 1874, in
106 and by which last-mentioned act the following amendment to the constitution of the State of Louisiana was proposed and submitted to the people of that State:

"The issue of consolidated bonds, authorized by the general assembly of the State at its regular session in the year 1874, is hereby declared to create a valid contract between the State and each and every holder of said bonds, which the State shall by no means and in no wise impair. The said bonds shall be a valid obligation of the State in favor of any holder thereof, and no court shall enjoin the payment of the principal or interest thereof, or the levy and collection of the tax therefor; and to secure such levy, collection, and payment the judicial power shall be exercised when necessary. The tax required for the payment of the principal and interest of said bonds shall be assessed and collected each and every year until the bonds shall be paid, principal and interest; and the proceeds shall be paid by the treasurer of the
107 State to the holders of said bonds as the principal and interest of the same shall fall due. And no further legislation or appropriation shall be required for the said assessment and collection and for such payment from the treasury."

On the 2d day of November, 1874, a general election was held by the people of the State of Louisiana to approve or to reject the amendment to the State constitution herein above particularly referred to; that at said election the following vote was cast in connection with such amendment, which resulted as follows:

For approval, 69,419.

Against approval, 60,070.

And that the returning board of the State of Louisiana, pursuant to authority vested in them by act No. 98, approved November 20th, 1872, did duly certify, declare, and return that the foregoing amendment was approved as a part of the constitution of the State of Louisiana.

That relators, acting for and in behalf of themselves and others,
108 and under and by virtue of the enactments and provisions contained in the aforesaid funding act and constitutional amendment, acquired and obtained, and upon the trial of this cause produced in open court and offered in evidence twenty consolidated bonds of the State of Louisiana issued under the aforesaid act of 1874, a copy of which bonds, for greater certainty, is hereunto annexed and made a part of this finding of facts; and that *that* they, the said relators, acting as aforesaid, also acquired and obtained, and upon the trial of this cause produced in open court, and offered in evidence, 2,713 coupons of interest, detached from certain consolidated bonds of the State of Louisiana issued under the funding act of 1874, amounting in the aggregate to the sum of $78,900.00, and all made payable on the 1st day of January, 1880.

All of the coupons of interest above referred to are similar in their purport, and are to the same tenor and effect as the following:

$35.] [$35.

109 The State of Louisiana will pay the bearer, on the first day of

January, 1880, thirty-five dollars, in lawful money of the United States in New Orleans or New York, at the option of the holder, being six months' interest on consolidated bond No. 7958. Coupon No. 12.

CHAS. CLINTON, *Auditor.* AN'E DUBUCLET, *Treasurer.*

The difference between the 2,713 coupons of interest, and the copy above made lies in the amount of coupon, and the number of the bond with which it is identified. In other respects they are alike.

That endorsed upon the back of the aforesaid consolidated bonds is the following:

"The payment of the principal and interest of this bond is provided for by the levy of an annual tax, fixed and guaranteed by the constitution of the State, and not repealable by legislative enactment. State debt limited to $15,000,000.00, and taxes for all purposes, except for schools, limited to 12½ mills by the constitution of the State."

That on the 1st day of January, 1880, the present State constitution of Louisiana, adopted in convention in 1879, went into
110 full force and effect, and that under and by virtue of that constitution Allen Jumel, at the date of the commencement of these proceedings, was and is now auditor of the State of Louisiana. Ed. A. Burke was then and is now treasurer of the State, and the Board of Liquidation, created by the funding act No. 3 of 1874, was then and is now composed of Louis A. Wiltz, then and now governor of said State; Sam. McEnery, then and now lieut. governor; Allen Jumel, then and now State auditor; E. A. Burke, then and now treasurer; Will A. Strong, then and now secretary of state; Robert N. Ogden, then and now speaker of the house of representatives, and the State National Bank of New Orleans, then and now fiscal agent of the State of Louisiana, and that the several parties aforesaid are now in the active discharge of the duties of their offices respectively, under the constitution of Louisiana, adopted in convention in the year 1879.

That in the aforesaid constitution, and making a part and por-
111 tion thereof, is the following provision:

"ART. 209. The State tax on property for all purposes whatever, including expenses of government, schools, levees, and interest, shall not exceed, in any one year, six mills on the dollar of its assessed valuation."

So also the following:

"The interest to be paid on the consolidated bonds of the State of Louisiana be, and is hereby, fixed at two per cent. per annum for five years from the 1st of January, 1880; three per cent. per annum for fifteen years, and four per cent. per annum thereafter, payable semi-annually, and there shall be levied an annual tax sufficient for the full payment of said interest, not exceeding three mills, the limit of all State tax being hereby fixed at six mills."

"The coupons of said consolidated bonds, falling due the first of January, 1880, be, and the same is hereby remitted, and any interest tax collected to meet said coupons are hereby transferred to defray the expenses of the State government."

112 That on the 25th day of February, 1880, relators, through James Fahey, a notary public of the city of New Orleans, caused a written demand to be made upon Governor Wiltz, Allen Jumel, auditor of public accounts and E. A. Burke, treasurer, then composing the board of liquidation, or members thereof, calling upon them to comply with the provisions of the aforesaid funding act No. 3, of the year

1874; that the said governor, president of said board, declined to answer such demand; and that the said auditor and treasurer stated: "That they could not comply with the request made of them, owing to the prohibition contained in act 3, State debt ordinance, of the constitution of the State of Louisiana, adopted 23d July, 1879, and recently promulgated."

That on the 27th of February, 1880, relators, through the same notary, made a similar demand upon Jumel and Burke, as auditor and treasurer, and to it a similar reply was given.

That on the 25th days of February and March, 1880, relators,
113 through the notary aforesaid, presented to Allen Jumel, auditor and to E. A. Burke, treasurer of the State of Louisiana, at their respective offices in the state house, in said State, 2,713 coupons of interest of the consolidated bonds of the State of Louisiana, amounting in the aggregate to $78,900.00, and requested payment thereof; that the said auditor and treasurer severally answered, that the said coupons could not be paid, owing to the prohibition contained in act 3 of State ordinance of the constitution of the State of Louisiana adopted 23d July, 1879, and then recently promulgated.

That all of the aforesaid 2,713 coupons were of the following purport, except as to the number of the bond with which the coupon is indentified, and the amount of the coupon:

$35.] [$35.

The State of Louisiana, will the bearer on the 1st day of January, 1880, thirty-five dollars, in lawful money of the United States, in New Orleans or New York, at the option of the holder, being six
114 months' interest on consolidated bond No. 2250. Coupon No. 12.
CHAS. CLINTON, *Auditor.* ANTOINE DUBUCLET, *Treasurer.*

And that the said notary, on the 25th day of February and March, 1880, protested the aforesaid coupons for non-payment.

Act No. 77, of the sessions of the general assembly of Louisiana, for the year 1880, is signed by R. N. Ogden, speaker of the house of representatives, and S. D. McEnery, lieu't-gov'r and president of the senate; it is approved by L. A. Wiltz, governor, and authenticated by Willie A. Strong, secretary of state. In that act it is prescribed, that for the calendar year 1880, and for each and every succeeding calendar year, annual taxes are levied, amounting in the aggregate to six mills on the dollar of the assessed valuation of all property situated within the State of Louisiana, except such as is expressly exempted from taxation by the constitution of 1879; that 3 mills on the dollar is levied for the purpose of paying the interest on the consolidated
115 bonds of the State, as fixed by the constitution, in the ordinance relative to the State debt, to pay the interest on the new issue of State bonds, to be exchanged for said consolidated bonds under said ordinance; and that not more than $240,000.00 of the interest to be so collected shall be applied to the interest due on said consolidated bonds.

It was shown by the testimony of Allen Jumel, auditor, and E. A. Burke, treasurer, taken on the trial of this cause, that it was their intention, if not interfered with by the courts, to carry out all the provisions of the existing constitution of the State of Louisiana, and that they officially ignored the funding act of 1874, and refused to carry the same into effect—more particularly those provisions of the aforesaid funding law referring to the collection of the 5½ mills tax, and the application and payment of any moneys arising therefrom to the payment of the interest upon the consolidated bonds issued under act 3,

116 of the sessions of 1874, which became due and payable on the 1st day of January, A. D. 1880.

It was also shown upon the trial of this case, that no proceedings are being taken to enforce the collection of the 5½ mill tax under act 3 of 1874; and that the only tax being collected by the State officials for the payment of interest is the 3 mills tax levied by the legislature, under the existing constitution of Louisiana.

The amount of bonds issued under the funding law of 1874, now outstanding and unpaid, according to the testimony of the State auditor, is about $12,000,000.00, say on the 1st day of January, 1881, $11,843,028.44.

According to the evidence of E. A. Burke, State treasurer, there are in the hands of that officer about $300,000.00, collected under the levy imposed by the funding act of 1874, to meet the interest upon the consolidated bonds issued under that act, maturing January 1, 1880; but by the constitution of 1879 ordered to be remitted and transferred to meet the expenses of the State government, and claimed to be
117 held by the State treasurer under that constitution; and that all of these funds came into the custody of the treasurer under the new constitution, and that the respondents all hold office by virtue of election undersaid new constitution; that they have refused to pay out these funds to relators, and that they hold and are disposing of the same under and according to the new constitution, under which they received the same.

The State treasurer has presented certain exhibits showing the condition of the consolidated bond debt, and the same are hereunto annexed as a part and portion of this finding of facts. The facts developed by those statements are better shown by the exhibits themselves than by a disclosure in any other manner. Those statements are marked G and G(2).

Act No. 3.—Referred to and made part of the foregoing finding of facts.

118 No. 3. An act to provide for funding obligations of the State by exchange for bonds; to provide for principal and interest of said bonds; to establish a board of liquidation, to authorize certain judicial proceedings against it; to define and punish violations of this act; to prohibit certain officers diverting funds, except as provided by law, and to punish violations therefor; to levy a continuing tax, and provide a continuing appropriation for said bonds; to make a contract between the State and holders of said bonds; to prohibit injunctions in certain cases; to limit the indebtedness of the State, and to limit State taxes; to annul certain grants of State aid; to prohibit the modification, novation, or extension of any contract heretofore made for State aid; to provide for the receipt of certain warrants for certain taxes, and to repeal all conflicting laws.

SECTION 1. Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened, That for the purpose of consolidating and reducing the floating and bonded debt of the
119 State, the governor, lieutenant-governor, auditor, treasurer, secretary of state, and speaker of the house of representatives are hereby authorized to cause to be prepared, and to issue bonds, to be known as "Consolidated bonds of the State of Louisiana," of the denominations of one hundred, five hundred, and one thousand dollars, to the amount of fifteen millions of dollars, or so much thereof as may be necessary, all payable forty years from the first day of January, 1874, and all to be numbered consecutively, and made payable to bearer, and to bear in-

terest at the rate of seven per cent. per annum, payable semi-annually in the city of New York and city of New Orleans, on the first day of July and January of each year, and coupons for such interest shall be annexed thereto; said interest and principal to be payable in lawful money of the United States.

SEC. 2. Be it further enacted, etc., That the parties designated in the foregoing section shall constitute a board of liquidation, and a
120 majority of said board shall elect a fiscal agent for the State, who shall be a member of said board.

SEC. 3. Be it further enacted, etc., That the bonds authorized by section one shall be signed by the governor, auditor, and secretary of state, and the coupons shall be signed by the auditor and treasurer; and when so prepared said bonds shall be exchanged by the board of liquidation for all valid warrants drawn previous to the passage of this act by the respective auditors of public accounts of the State on the treasurer thereof, except warrants issued by the auditor in payment of the constitutional officers of the State, at the rate of sixty cents in consolidated bonds for one dollar in outstanding bonds and all valid warrants; provided that the holder of any bond or valid warrant rejected by a majority of said board may apply by petition to the proper court for relief, and if final judgment shall be rendered in his favor against said board, it shall be the duty of said board to fund his said claim
121 in bonds at the rate provided by this act; and provided further, that if any member of said board of liquidation shall knowingly audit and fund any illegal claim against the State he shall be deemed guilty of a misdemeanor and shall, on conviction, be fined not less than five thousand dollars and be imprisoned not less than two years, at the discretion of the court. And any person knowingly procuring the same to be done shall be subject to the same penalty.

SEC. 5. Be it further enacted, etc., That the consolidated bonds herein authorized shall be held and used by said board of liquidation for the purpose of exchange aforesaid; said bonds shall be used for no other purpose or purposes than as authorized by this act, and any member of the board of liquidation using or attempting to use said bonds or any of them for any other purpose or purposes shall, on conviction thereof, be punished by a fine of not less than five thousand dollars and by imprisonment at hard labor for not less than one year.

122 SEC. 6. Be it further enacted, etc., That notice of the adoption of this act shall be published by said board in one or more journals of New Orleans, New York, London, Paris, and Amsterdam.

SEC. 7. Be it further enacted, etc., That a tax of five and a half mills on the dollar of the assessed value of all real and personal property in the State is hereby annually levied, and shall be collected, for the purpose of paying the interest and principal of the consolidated bonds herein authorized, and the revenue derived therefrom is hereby set apart and appropriated to that purpose and no other; and that it shall be deemed a felony for the fiscal agent, or any officer of the State or board of liquidation, to divert the said fund from its legitimate channel as provided, and upon conviction the said party shall be liable to imprisonment for not more than ten years nor less than two, at the discretion of the court. If there shall, during any year be a surplus arising from said tax after paying all interest falling due in
123 that year, such surplus shall be used for the purchase and retirement of bonds authorized by this act, said purchases to be made by the said board of liquidation from the lowest offers after due notice; provided,

that the total tax for interest and all other State purposes, except the support of public schools, shall never hereafter exceed twelve and a half mills on the dollar. The interest tax aforesaid shall be a continuing annual tax until the said consolidated bonds shall be paid or redeemed, principal and interest; and the said appropriation shall be a continuing annual appropriation during the same period, and this levy and appropriation shall authorize and make it the duty of the auditor and treasurer and the said board, respectively, to collect said tax annually and pay said interest and redeem said bonds until the same shall be fully discharged.

SEC. 8. Be it further enacted, etc., That the bonds and valid warrants outstanding at the time of the passage of this act, shall, as fast as
124 they are received in exchange for consolidated bonds, be cancelled and destroyed by the said board of liquidation, and consolidated bonds purchased, as provided for in section seven of this act, shall be cancelled and destroyed after public notice has been given of the same in the official journal of the State, in the presence of as many citizens as may desire to be present, in like manner, and within ten days after such destruction, in each case, a proces verbal of the same shall be published, and a report made to the general assembly on the first Monday of every year, by said board.

SEC. 9. Be it further enacted, etc. That it shall be the duty of the auditor, in his next annual report, to give a detailed account of the proceedings had under this act, including the amount of new bonds issued, the amount of old bonds and valid warrants cancelled, the amount of the same outstanding, and the cost of the exchange; and annually thereafter a full and exact statement of the condition of
125 the public debt under the operations of this act.

SEC. 10. Be it further enacted, etc., That any judge, tax collector, or any officer of the State obstructing the execution of this act, or any part of it, or failing to perform his official duty thereunder, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding five years, and by fine not exceeding two thousand dollars, at the discretion of the court; provided, that this section shall in no wise prejudice or affect the criminal proceeding under section five of this act.

SEC. 11. Be it further enacted, etc., That each provision of this act shall be, and is hereby, declared to be a contract between the State of Louisiana and each and every holder of the bonds issued under this act.

SEC. 12. Be it further enacted, etc., That all grants of State aid heretofore made, whether of bonds, indorsements, subscriptions of stock, or otherwise, which have become lapsed or forfeited, be, and the same
126 are hereby, repealed and annulled, nor shall the State hereafter modify, novate, or extend any contract heretofore made for the giving of State aid in any form or under any pretext.

SEC. 13. Be it further enacted, etc., That the entire State debt, prior to the year of our Lord nineteen hundred and fourteen, shall never be increased, directly or indirectly, beyond the sum of fifteen millions of dollars hereby authorized, it being the intent and object of this act, and of the exchanges to be effected thereunder, to reduce and restrict the whole indebtedness of the State to a sum not exceeding fifteen millions of dollars, and to agree with the holders of the consolidated bonds to be issued hereunder that said indebtedness shall not be increased beyond said sum during said period.

SEC. 14. Be it further enacted, etc., That any tax collector who shall turn over any money or warrants by him collected, to any person except

to the State treasurer, shall be deemed guilty of a misdemeanor, and shall, on conviction, be subject to the penalties prescribed in
127 section ten of this act, and shall, in addition thereto, be liable in damages in double the amount so turned over; and any State officer requiring or demanding that said taxes shall be turned over to him, except the treasurer of the State, shall be liable, on conviction, to the same penalties as are prescribed in this section.

SEC. 15. Be it further enacted, etc., That from and after the passage of this act until the first day of July, 1874, all valid auditor's warrants, issued for debts due prior to January 1, 1874, shall be received for all back taxes, licenses, and interest and penalties thereon due prior to said first of January, 1874, except two mills for school fund, three mills for levee construction and repair fund, and two mills to the interest fund for the purpose of paying any interest in arrears accruing on the bonded debt of the State prior to the passage of this act.

SEC. 16. Be it further enacted, etc., That no court, or judge thereof, shall have power to enjoin the payment of principal or interest
128 of any bond issued under this act, or the collection of the special tax therefor, or to enjoin any officer of State or parish in receiving warrants, as is prescribed in section fifteen of this act.

SEC. 17. Be it further enacted, etc., That all acts or parts of acts in conflict with this act or any section thereof are hereby declared to be repealed, and that this act shall take effect from and after its passage.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.

(Signed) C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.

(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.

A true copy:

P. G. DESLONDE,
Secretary of State.

Document marked "(1)," referred to and made part of the foregoing finding of facts.

U. S. circuit court, district of Louisiana.

STATE OF LOUISIANA EX REL. JOHN ELLIOTT et als.
vs.
ALLEN JUMEL, AUDITOR, ET AL. } No. 9052.

129 20 bonds, issued under act No. 3 of 1874, offered in evidence by relators, of $1,000 each, numbered as follows: 101, 983, 1177, 1187, 1188, 1189, 1190, 1195, 1196, 1197, 2250, 4334, 4715, 4772, 5438, 6064, 6732, 7240, 7595, 7660—20 bonds, numbered as above, $20,000.00.

(Signed) LACEY & BUTLER,
Attorneys.

The above is a true and correct list of the bonds actually offered in evidence upon the trial of the application for a writ of mandamus in No. 9052, U. S. circuit court, dist. of Louisiana.

New Orleans, January 15, 1881.

(Signed) GEO. S. LACEY.
" FRANK N. BUTLER.

Document marked "(2)," referred to and made part of the foregoing finding of facts.

130 List of coupons detached from consolidated bonds of the State of Louisiana, issued under act 3 of 1874, maturing January 1, 1880.

No. of bond.	No. of coupon.	Amount of coupon.
7959	12	$35
7957	"	35
1—7958	"	35
942	"	35
941	"	35
2052	"	35
7881	"	35
2624	"	35
2623	"	35
2— 118	"	17 50
4252	"	35
4253	"	35
4254	"	35
4255	"	35
4256	"	35
4257	"	35
1016	"	3 50
1017	"	3 50
1018	"	3 50
3—1019	"	3 50
150	"	17 50
4— 630	"	3 50
4339	"	35
4340	"	35
1038	"	3 50
131 1039	"	3 50
1040	"	3 50
5—1041	"	35
5793	"	35
7927	"	35
105	"	3 50
924	"	3 50
2669	"	3 50
2245	"	3 50
2372	"	3 50
1669	"	3 50
226	"	3 50
1668	"	3 50
727	"	3 50
730	"	3 50
731	"	3 50
732	"	3 50
2234	"	3 50
2235	"	3 50
49	"	3 50
2230	"	3 50
726	"	3 50
729	"	3 50
2399	"	3 50
186	"	3 50
2069	"	3 50
1975	"	3 50
3256	"	3 50
3166	"	3 50
3141	"	3 50
3139	"	3 50
132 2270	12	3 50
725	"	3 50
2415	"	3 50
1911	"	3 50
1121	"	3 50
851	"	3 50
849	"	3 50
789	"	3 50
763	"	3 50
761	"	3 50
762	"	3 50
2512	"	$3 50
2318	"	3 50
6—3241	"	3 50
9615	"	35
9616	"	35
9617	"	35
946	"	17 50
3692	"	3 50
3768	"	3 50
3769	"	3 50
8—3770	"	3 50
6618	"	35
6619	"	35
9—6620	"	35
608	"	35
1607	"	35
7362	"	35
7286	"	35
5952	"	35
133 11—1036	"	35
4675	"	35
4676	"	35
4677	"	35
4679	"	35
4680	"	35
13—7663	"	35
7059	"	35
7062	"	35
7065	"	35
7056	"	35
7057	"	35
7060	"	35
7061	"	35
7058	"	35
7055	"	35
14— 666	"	35
700	"	35
1090	"	35
1391	"	35
1094	"	35
1214	"	35
2960	"	35
2980	"	35
5249	"	35
4805	"	35
15—6676	"	35
6675	"	35
2381	"	3 50
2382	"	3 50
2383	"	3 50
134 2384	12	3 50
179	"	3 50
180	"	3 50
181	"	3 50
187	"	3 50
213	"	3 50
1066	"	3 50
16—6747	"	35
6748	"	35
17—3993	"	35
4607	"	35
116	"	17 50
481	"	3 50
482	"	3 50
483	"	3 50
484	"	3 50
485	"	3 50

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
486	"	$3 50
487	"	3 50
488	"	3 50
489	"	3 50
490	"	3 50
491	"	3 50
18— 54	"	35
98	"	35
2124	"	35
9552	"	35
9553	"	35
4151	"	3 50
4152	"	3 50
135 4153	"	3 50
4154	"	3 50
2578	"	3 50
1795	"	17 50
1796	"	17 50
1797	"	17 50
1798	"	17 50
1799	"	17 50
1800	"	17 50
1801	"	17 50
1802	"	17 50
19— 1803	"	17 50
2494	"	35
2493	"	35
2495	"	35
2496	"	35
2497	"	35
2498	"	35
2499	"	35
2500	"	35
2502	"	35
2503	"	35
2504	"	35
2505	"	35
2506	"	35
2507	"	35
2508	"	35
2509	"	35
2510	"	35
2511	"	35
2512	"	35
136 20— 5804	12	35
5805	"	35
5806	"	35
5809	"	35
5808	"	35
21— 3827	"	35
657	"	3 50
3831	"	35
3826	"	35
3830	"	35
3828	"	35
3829	"	35
22— 5807	"	35
1585	"	35
3216	"	35
3654	"	35
23— 3655	"	35
843	"	17 50
3390	"	3 50
24— 3391	"	3 50
194	"	17 50
220	"	17 50
8151	"	35
7897	"	35
1082	"	35
2386	"	35
3925	"	35
3926	"	35
5726	"	35

No. of bond.	No. of coupon.	Amount of coupon.
6703	"	$35
137 25— 5228	"	35
3	"	35
1518	"	35
3346	"	35
415	"	35
26— 3465	"	35
3603	"	35
3604	"	35
3605	"	35
3606	"	35
3607	"	35
3608	"	35
3609	"	35
27— 589	"	3 50
8626	"	35
8627	"	35
28— 8628	"	35
3602	"	35
4107	"	35
5774	"	35
5775	"	35
5776	"	35
129	"	17 50
251	"	17 50
253	"	17 50
92	"	3 50
106	"	3 50
520	"	3 50
521	"	3 50
566	"	3 50
568	"	3 50
138 558	12	3 50
594	"	3 50
999	"	3 50
1000	"	3 50
1001	"	3 50
1002	"	3 50
1734	"	3 50
1735	"	3 50
1736	"	3 50
1737	"	3 50
1738	"	3 50
1739	"	3 50
1740	"	3 50
1741	"	3 50
29— 1742	"	3 50
731	"	17 50
839	"	17 50
5262	"	35
5263	"	35
5264	"	35
5265	"	35
5266	"	35
2417	"	35
2375	"	35
2374	"	35
2345	"	35
2344	"	35
2720	"	35
4264	"	35
1683	"	35
139 1525	"	35
1524	"	35
1523	"	35
1522	"	35
1521	"	35
629	"	35
628	"	35
626	"	35
4037	"	35
4526	"	35

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
2430	"	$35
2431	"	35
2432	"	35
8178	"	35
7700	"	35
9892	"	35
4809	"	35
2549	"	35
1504	"	35
522	"	35
5768	"	35
5742	"	35
5271	"	35
4248	"	35
2429	"	35
2718	"	35
5566	"	35
5658	"	35
676	"	35
69	"	35
1498	"	35
140 2582	12	35
2465	"	35
1705	"	35
8436	"	35
7385	"	35
8206	"	35
8183	"	35
7819	"	35
6217	"	35
8396	"	35
8397	"	35
4376	"	35
5894	"	35
6605	"	35
5268	"	35
5267	"	35
1198	"	35
1199	"	35
1207	"	35
1208	"	35
1209	"	35
1210	"	35
1211	"	35
1217	"	35
79	"	35
80	"	35
81	"	35
82	"	35
427	"	35
664	"	35
141 674	"	35
686	"	35
953	"	35
955	"	35
2418	"	35
2419	"	35
2420	"	35
2421	"	35
2422	"	35
2423	"	35
2424	"	35
2425	"	35
2426	"	35
2427	"	35
30—2428	"	35
101	"	35
983	"	35
1177	"	35
1187	"	35
1188	"	35
1189	"	35
1190	"	35
1195	"	$35
1196	"	35
30½- 1197	"	35
594	"	35
1055	"	35
239	"	35
1899	"	35
7939	"	35
7942	"	35
142 7799	12	35
7839	"	35
5770	"	35
31— 238	"	35
32— 5581	"	35
1191	"	35
1344	"	35
1368	"	35
1397	"	35
33— 2111	"	35
5313	"	35
5320	"	35
5321	"	35
5322	"	35
5323	"	35
5324	"	35
5325	"	35
5326	"	35
5327	"	35
5328	"	35
5329	"	35
5330	"	35
5509	"	35
5510	"	35
5511	"	35
5512	"	35
5513	"	35
5514	"	35
5515	"	35
5516	"	35
143 5517	"	35
5518	"	35
5519	"	35
5520	"	35
5521	"	35
5522	"	35
5523	"	35
5524	"	35
5525	"	35
5526	"	35
5527	"	35
5528	"	35
5529	"	35
5530	"	35
5531	"	35
5532	"	35
5533	"	35
5534	"	35
5535	"	35
5536	"	35
5537	"	35
5538	"	35
5539	"	35
5540	"	35
5541	"	35
5542	"	35
5543	"	35
5544	"	35
5545	"	35
5546	"	35
5547	"	35
144 5548	"	35
5549	12	35
5550	"	35

List of coupons, &c.—Continued.

No. of bond.	No of coupon.	Amount of coupon.
5551	"	$35
5552	"	35
5553	"	35
7879	"	35
1614	"	3 50
2838	"	3 50
34— 3312	"	3 50
3940	"	3 50
3941	"	3 50
3942	"	3 50
1429	"	17 50
1430	"	17 50
36— 1431	"	17 50
939	"	17 50
35— 3719	"	3 50
2747	"	35
37— 9624	"	35
266	"	35
287	"	35
581	"	35
582	"	35
583	"	35
584	"	35
585	"	35
586	"	35
587	"	35
588	"	35
145 589	"	35
590	"	35
1003	"	35
1004	"	35
1005	"	35
1006	"	35
1399	"	35
1487	"	35
1557	"	35
1846	"	35
1887	"	35
2085	"	35
2466	"	35
3254	"	35
3538	"	35
4432	"	35
4574	"	35
4831	"	35
5151	"	35
5442	"	35
6187	"	35
6279	"	35
6336	"	35
6473	"	35
6474	"	35
6513	"	35
6598	"	35
6795	"	35
7046	"	35
7199	"	35
7316	"	35
146 7367	12	35
7727	"	35
7824	"	35
8108	"	35
8123	"	35
8383	"	35
8392	"	35
8426	"	35
8444	"	35
8455	"	35
8457	"	35
8458	"	35
8617	"	35
9195	"	35

No. of bond	No of coupon.	Amount of coupon.
9846	"	$35
55	"	17 50
782	"	17 50
942	"	17 50
962	"	17 50
1413	"	17 50
1484	"	17 50
1667	"	17 50
38— 1788	"	17 50
8297	"	35 00
6698	"	35 00
3955	"	35 00
4343	"	35 00
4344	"	35 00
3886	"	35 00
96	"	17 50
147 39— 97	"	17 50
969	"	35
5253	"	35
5254	"	35
5255	"	35
7438	"	35
7252	"	35
9570	"	35
3999	"	35
1057	"	35
1963	"	35
165	"	35
7163	"	35
7291	"	35
7454	"	35
7456	"	35
3246	"	35
3858	"	35
2336	"	35
8110	"	35
40— 8795	"	35
4228	"	35
8772	"	35
41— 9994	"	35
2651	"	35
2652	"	35
2653	"	35
2654	"	35
2655	"	35
42— 2656	"	35
4381	"	35
148 4382	12	35
4383	"	35
4384	"	35
4385	"	35
4386	"	35
4387	"	35
4388	"	35
5771	"	35
5765	"	35
5766	"	35
7952	"	35
7953	"	35
839	"	17 50
1051	"	3 50
1052	"	3 50
1053	"	3 50
1054	"	3 50
43— 3367	"	3 50
492	"	17 50
1839	"	17 50
4863	"	35
4864	"	35
4865	"	35
4866	"	35
369	"	17 50

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
44— 370	"	$17 50
1412	"	3 50
1413	"	3 50
1414	"	3 50
1415	"	3 50
1416	"	3 50
149 1417	"	3 50
1418	"	3 50
1419	"	3 50
1420	"	3 50
45— 1421	"	3 50
9636	"	35
9637	"	35
9638	"	35
9639	"	35
9640	"	35
9641	"	35
9642	"	35
9643	"	35
9644	"	35
9645	"	35
9646	"	35
9647	"	35
8483	"	35
8484	"	35
8485	"	35
8486	"	35
8487	"	35
8488	"	35
8489	"	35
8490	"	35
46— 3880	"	3 50
1662	"	35
1663	"	35
1664	"	35
1665	"	35
47— 1666	"	35
150 7192	12	35
6836	"	35
7812	"	35
7339	"	35
7750	"	35
7813	"	35
3696	"	35
7171	"	35
7340	"	35
8403	"	35
7259	"	35
9568	"	35
7642	"	35
9567	"	35
4373	"	35
4639	"	35
4758	"	35
4364	"	35
4366	"	35
4367	"	35
9569	"	35
6819	"	35
8453	"	35
5840	"	35
5841	"	35
5839	"	35
5842	"	35
5764	"	35
5838	"	35
338	"	35
151 3245	"	35
7277	"	35
4835	"	35
4824	"	35
2957	"	35
8205	"	35

No. of bond.	No. of coupon.	Amount of coupon.
7646	"	$35
7690	"	35
5196	"	35
6110	"	35
6837	"	35
5884	"	35
5813	"	35
3913	"	35
3911	"	35
2456	"	35
251	"	35
1849	"	35
1850	"	35
48— 1170	"	35
164	"	35
308	"	35
467	"	35
468	"	35
484	"	35
554	"	35
1030	"	35
1066	"	35
1821	"	35
1945	"	35
1997	"	35
152 2269	12	35
3265	"	35
3412	"	35
3447	"	35
3876	"	35
3891	"	35
3905	"	35
4092	"	35
4288	"	35
4430	"	35
4828	"	35
5592	"	35
5677	"	35
6060	"	35
6098	"	35
6783	"	35
6784	"	35
6988	"	35
49— 6989	"	35
1681	"	35
50— 5686	"	35
51— 6607	"	35
581	"	17 50
582	"	17 50
2131	"	3 50
52— 2132	"	3 50
53— 4486	"	35
4515	"	35
4521	"	35
4461	"	35
153 832	"	17 50
489	"	17 50
3755	"	3 50
3756	"	3 50
53— 3757	"	3 50
3229	"	35
54— 3230	"	35
9630	"	35
9633	"	35
9624	"	35
9631	"	35
9632	"	35
9635	"	35
8143	"	35
4439	"	35
4438	"	35
4437	"	35
5494	"	35

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
4830	"	$35
4170	"	35
3934	"	35
3809	"	35
3797	"	35
3484	"	35
3228	"	35
3227	"	35
3222	"	35
2744	"	35
2743	"	35
1787	"	35
1446	"	35
154 1088	12	35
1079	"	35
1061	"	35
1059	"	35
1025	"	35
1013	"	35
195	"	35
6309	"	35
6308	"	35
6307	"	35
6306	"	35
6305	"	35
6304	"	35
6303	"	35
4445	"	35
4444	"	35
4443	"	35
4442	"	35
4441	"	35
4440	"	35
3226	"	35
2405	"	17 50
2360	"	17 50
2413	"	17 50
2406	"	17 50
2404	"	17 50
2403	"	17 50
2410	"	17 50
2417	"	17 50
2416	"	17 50
155 2415	"	17 50
2408	"	17 50
2402	"	17 50
2412	"	17 50
2409	"	17 50
2407	"	17 50
2414	"	17 50
2355	"	17 50
2357	"	17 50
2411	"	17 50
2356	"	17 50
2361	"	17 50
2359	"	17 50
2358	"	17 50
272	"	17 50
4106	"	3 50
3423	"	3 50
2110	"	3 50
1081	"	3 50
1080	"	3 50
1079	"	3 50
1078	"	3 50
1077	"	3 50
1076	"	3 50
1075	"	3 50
1074	"	3 50
1073	"	3 50
492	"	3 50
3424	"	3 50
4107	"	3 50

No. of bond.	No. of coupon.	Amount of coupon.
4105	"	$3 50
156 4108	12	3 50
673	"	3 50
2449	"	3 50
4202	"	3 50
4203	"	3 50
2053	"	3 50
4200	"	3 50
3590	"	3 50
4305	"	3 50
4306	"	3 50
4191	"	3 50
4190	"	3 50
4192	"	3 50
55— 4201	"	3 50
7966	"	35
842	"	17 50
3376	"	3 50
3377	"	3 50
56— 3378	"	3 50
4720	"	35
4721	"	35
4722	"	35
57— 175	"	3 50
5197	"	35
7599	"	35
8117	"	35
9180	"	35
9181	"	35
2145	"	35
7250	"	35
157 7791	"	35
7947	"	35
58— 8080	"	35
2585	"	17 50
2586	"	17 50
2587	"	17 50
2588	"	17 50
2589	"	17 50
59— 2590	"	17 50
602	"	17 50
60— 2204	"	3 50
4723	"	35
4724	"	35
4725	"	35
61— 176	"	3 50
4726	"	35
4727	"	35
4728	"	35
4729	"	35
4730	"	35
4731	"	35
4732	"	35
4733	"	35
4734	"	35
177	"	3 50
62— 178	"	3 50
1393	"	35
2895	"	35
7844	"	35
3571	"	35
2385	"	35
158 6544	12	35
6541	"	35
6147	"	35
6058	"	35
1099	"	35
343	"	17 50
66	"	17 50
1	"	17 50
367	"	17 50
2498	"	17 50
2578	"	17 50

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
2487	"	$17 50
2526	"	17 50
2518	"	17 50
2497	"	17 50
2462	"	17 50
911	"	17 50
2459	"	17 50
382	"	17 50
723	"	17 50
2464	"	17 50
344	"	17 50
434	"	17 50
897	"	17 50
63— 1728	"	17 50
4240	"	3 50
65— 4242	"	3 50
7011	"	35
658	"	35
6543	"	35
159 200	"	35
441	"	35
493	"	35
2858	"	35
1914	"	35
671	"	35
540	"	17 50
66— 495	"	17 50
302	"	17 50
67— 905	"	17 50
9003	"	35
9157	"	35
9058	"	35
9159	"	35
9160	"	35
9161	"	35
9162	"	35
9163	"	35
9164	"	35
9165	"	35
9166	"	35
9167	"	35
9168	"	35
9169	"	35
9170	"	35
9171	"	35
9172	"	35
9174	"	35
9173	"	35
9175	"	35
9176	"	35
160 9177	12	35
9178	"	35
9179	"	35
9180	"	35
9181	"	35
9182	"	35
9183	"	35
9184	"	35
9185	"	35
9186	"	35
9187	"	35
9188	"	35
9189	"	35
9190	"	35
9191	"	35
9192	"	35
9193	"	35
9194	"	35
9195	"	35
9196	"	35
9197	"	35
9198	"	35
9199	"	35

No. of bond.	No. of coupon.	Amount of coupon.
9200	"	$35
9201	"	35
9202	"	35
9203	"	35
9204	"	35
9205	"	35
9206	"	35
161 9207	"	35
9208	"	35
9209	"	35
9210	"	35
9211	"	35
9212	"	35
9213	"	35
9214	"	35
9215	"	35
9216	"	35
9217	"	35
9218	"	35
9219	"	35
9220	"	35
9221	"	35
9222	"	35
9223	"	35
9224	"	35
9225	"	35
9226	"	35
9227	"	35
9228	"	35
9229	"	35
9230	"	35
9231	"	35
9232	"	35
9233	"	35
9234	"	35
9235	"	35
9236	"	35
9237	"	35
162 9238	12	35
9239	"	35
9240	"	35
9241	"	35
9242	"	35
9243	"	35
9244	"	35
9245	"	35
9246	"	35
9864	"	35
9865	"	35
9866	"	35
9867	"	35
9868	"	35
9869	"	35
9870	"	35
9871	"	35
9872	"	35
9873	"	35
9874	"	35
9875	12	35
9876	"	35
9877	"	35
9878	"	35
9879	"	35
9880	"	35
9881	"	35
9882	"	35
9883	"	35
9884	"	35
163 9885	"	35
9886	"	35
9887	"	35
9888	"	35
9889	"	35

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
9890	"	$35
9891	"	35
9892	"	35
9893	"	35
9894	"	35
9895	"	35
9896	"	35
9897	"	35
9898	"	35
9899	"	35
9900	"	35
9901	"	35
9902	"	35
9903	"	35
9904	"	35
9905	"	35
9906	"	35
9907	"	35
9908	"	35
9909	"	35
9910	"	35
9911	"	35
9912	"	35
9913	"	35
9914	"	35
9915	"	35
164 9916	12	35
9917	"	35
9918	"	35
9919	"	35
9920	"	35
9921	"	35
9922	"	35
9923	"	35
9924	"	35
9925	"	35
9926	"	35
9927	"	35
9928	"	35
9929	"	35
9930	"	35
9931	"	35
9932	"	35
9933	"	35
9934	"	35
9935	"	35
9936	"	35
9937	"	35
9938	"	35
9939	"	35
9940	"	35
9941	"	35
9942	"	35
9943	"	35
9944	"	35
9945	"	35
165 9946	"	35
9947	"	35
9948	"	35
9949	"	35
9950	"	35
9951	"	35
9952	"	35
9953	"	35
9954	"	35
9955	"	35
9956	"	35
9957	"	35
9958	"	35
9959	"	35
9960	"	35
9961	"	35
9962	"	35
9963	"	$35
9998	"	35
9999	"	35
10000	"	35
872	"	17 50
915	"	17 50
916	"	17 50
917	"	17 50
918	"	17 50
919	"	17 50
920	"	17 50
921	"	17 50
922	"	17 50
923	"	17 50
166 924	12	17 50
925	"	17 50
926	"	17 50
927	"	17 50
928	"	17 50
929	"	17 50
930	"	17 50
931	"	17 50
932	"	17 50
933	"	17 50
1055	"	17 50
1056	"	17 50
1057	"	17 50
1058	"	17 50
1059	"	17 50
1060	"	17 50
1061	"	17 50
1062	"	17 50
1063	"	17 50
1064	"	17 50
1065	"	17 50
1066	"	17 50
1067	"	17 50
1068	"	17 50
1069	"	17 50
1070	"	17 50
1071	"	17 50
1072	"	17 50
1073	"	17 50
1074	"	17 50
167 1075	"	17 50
1076	"	17 50
1077	"	17 50
1078	"	17 50
1079	"	17 50
1080	"	17 50
1081	"	17 50
1082	"	17 50
1083	"	17 50
1084	"	17 50
1085	"	17 50
1086	"	17 50
1087	"	17 50
1088	"	17 50
1089	"	17 50
1090	"	17 50
1091	"	17 50
1092	"	17 50
1093	"	17 50
1094	"	17 50
1095	"	17 50
1096	"	17 50
1097	"	17 50
1098	"	17 50
1099	"	17 50
1100	"	17 50
1101	"	17 50
1102	"	17 50
1103	"	17 50

List of coupons, &c.—Continued.

	No. of bond.	No. of coupon.	Amount of coupon.
	1104	"	$17 50
	1105	"	17 50
168	1106	12	17 50
	1107	"	17 50
	1108	"	17 50
	1109	"	17 50
	1110	"	17 50
	1111	"	17 50
	1112	"	17 50
	1113	"	17 50
	1114	"	17 50
	1115	"	17 50
	1116	"	17 50
	1117	"	17 50
	1118	"	17 50
	1119	"	17 50
	1120	"	17 50
	1121	"	17 50
	1122	"	17 50
	1123	"	17 50
	1124	"	17 50
	1125	"	17 50
	1126	"	17 50
	1127	"	17 50
	1128	"	17 50
	1129	"	17 50
	1130	"	17 50
	1131	"	17 50
	1132	"	17 50
	1133	"	17 50
	1134	"	17 50
	1135	"	17 50
169	1136	"	17 50
	1137	"	17 50
	1138	"	17 50
	1139	"	17 50
	1140	"	17 50
	1141	"	17 50
	1142	"	17 50
	1143	"	17 50
	1144	"	17 50
	1145	"	17 50
	1146	"	17 50
	1147	"	17 50
	1148	"	17 50
	1149	"	17 50
	1150	"	17 50
	1151	"	17 50
	1152	"	17 50
	1153	"	17 50
	1154	"	17 50
	1155	"	17 50
	1156	"	17 50
	1157	"	17 50
	1158	"	17 50
	1159	"	17 50
	1160	"	17 50
	1161	"	17 50
	1162	"	17 50
	1163	"	17 50
	1164	"	17 50
	1165	"	17 50
	1166	"	17 50
170	3542	12	3 50
	3584	"	3 50
	3712	"	3 50
	3713	"	3 50
	3907	"	3 50
	3908	"	3 50
	3909	"	3 50
68—	3910	"	3 50
69—	21	"	35
	6628	"	35
	1120	"	$35
	5616	"	35
70—	5866	"	35
	4484	"	35
	4497	"	35
	5225	"	35
	5682	"	35
	5795	"	35
	6691	"	35
	6692	"	35
	6693	"	35
	6077	"	35
	5723	"	35
	4557	"	35
	4556	"	35
	6170	"	35
	5722	"	35
72—	3658	"	35
	5495	"	35
	5496	"	35
171	5497	"	35
	5498	"	35
	5499	"	35
	5500	"	35
	5501	"	35
	5502	"	35
	5503	"	35
	5504	"	35
	5505	"	35
	5506	"	35
73—	1611	"	3 50
	2102	"	35
74—	2911	"	35
	2727	"	35
	2094	"	35
	2400	"	35
	1037	"	35
	3689	"	35
	2761	"	35
	8125	"	35
	2095	"	35
	2610	"	35
	1072	"	35
	623	"	35
	847	"	17 50
	4286	"	3 50
	4287	"	3 50
	4288	"	3 50
	606	"	3 50
75—	3403	"	3 50
	3695	"	35
172	8140	12	35
	607	"	3 50
	608	"	3 50
	3417	"	3 50
76—	3418	"	3 50
	1709	"	35
	3736	"	35
	6947	"	35
	2774	"	35
	2249	"	35
	4392	"	35
	7656	"	35
	2240	"	35
	6834	"	35
	173	"	35
	2530	"	35
	4161	"	35
	1335	"	35
	2251	"	35
	3526	"	35
	4105	"	35
	8121	"	35

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
2159	"	$35
2491	"	17 50
2503	"	17 50
2502	"	17 50
2505	"	17 50
2490	"	17 50
2448	"	17 50
2474	"	17 50
173 2447	"	17 50
2479	"	17 50
2494	"	17 50
2486	"	17 50
2450	"	17 50
2499	"	17 50
2460	"	17 50
2816	"	3 50
2817	"	3 50
2393	"	3 50
2353	"	3 50
1132	"	3 50
1383	"	3 50
2864	"	3 50
3634	"	3 50
1152	"	3 50
5936	"	3 50
469	"	3 50
468	"	3 50
467	"	3 50
466	"	3 50
336	"	3 50
281	"	3 50
279	"	3 50
499	"	3 50
278	"	3 50
277	"	3 50
3636	"	3 50
3637	"	3 50
3638	"	3 50
3639	"	3 50
174 77— 3640	12	3 50
7595	"	35
5438	"	35
6732	"	35
2250	"	35
4772	"	35
4660	"	35
7240	"	35
4334	"	35
6064	"	35
78— 4715	"	35
9549	"	35
9550	"	35
79— 9551	"	35
283	"	35
437	"	35

No. of bond.	No. of coupon.	Amount of coupon.
539	"	$35
1032	"	35
1284	"	35
1731	"	35
1740	"	35
2487	"	35
2657	"	35
2658	"	35
2659	"	35
2784	"	35
2870	"	35
3347	"	35
3400	"	35
3414	"	35
175 3864	"	35
3869	"	35
4426	"	35
5115	"	35
5116	"	35
5346	"	35
5762	"	35
5617	"	35
8354	"	35
8725	"	35
9182	"	35
16	"	17 50
71	"	17 50
418	"	17 50
584	"	17 50
867	"	17 50
80— 372	"	3 50
4836	"	35
8787	"	35
8788	"	35
8789	"	35
3962	"	35
3192	"	35
1979	"	35
2460	"	35
7354	"	35
6944	"	35
9976	"	35
4090	"	3 50
738	"	17 50
598	"	17 50
176 1479	12	17 50
308	"	17 50
315	"	17 50
1480	"	17 50
1448	"	17 50
1449	"	17 50
1722	"	17 50
1723	"	17 50
1724	"	17 50

E. & O. E.

The foregoing list was made up by us from coupons of interest actually offered in evidence upon the trial of the application for a mandamus in suit 9052, U. S. circuit court, district of Louisiana, and we hereby certify the same to be true and correct.

New Orleans, Jan'y 15th, 1881.

(Signed) GEO. S. LACEY.
" FRANK N. BUTLER.

177 *Document marked "(3)," referred to and made part of the foregoing findings of fact.*

List of coupons maturing January 1st, 1880, detached from consolidated bonds of State of Louisiana, issued under act 3 of 1874.

No. of bond.	No. of coupon.	Amount of coupon.	No. of bond.	No. of coupon.	Amount of coupon.
6766	12	$35	8502	"	"
6767	"	"	8503	"	"
6768	"	"	8504	"	"
6769	"	"	8505	"	"
6770	"	"	8506	"	"
6771	"	"	8507	"	"
8230	"	"	8508	"	"
8231	"	"	8509	"	"
8232	"	"	8510	"	"
8233	"	"	8511	12	$5
8234	"	"	8512	"	"
8235	"	"	8513	"	"
8236	"	"	8514	"	"
8237	"	"	8515	"	"
8238	"	"	8516	"	"
8239	"	"	8517	"	"
8240	"	"	8518	"	"
8241	"	"	8519	"	"
8242	"	"	8520	"	"
8243	"	"	8521	"	"
8244	"	"	8522	"	"
8245	"	"	8523	"	"
8246	"	"	8524	"	"
8247	"	"	8525	"	"
8248	"	"	8526	"	"
8249	"	"	8527	"	"
8260	"	"	8528	"	"
8261	"	"	8529	"	"
8262	"	"	8530	"	"
8263	"	"	8531	"	"
8264	"	"	8532	"	"
8265	"	"	8533	"	"
8266	"	"	8534	"	"
8267	"	"	8535	"	"
8268	"	"	8536	"	"
8269	"	"	8537	"	"
8270	"	"	8538	"	"
8271	"	"	8539	"	"
8272	"	"	8540	"	"
8273	"	"	8947	"	"
8274	"	"	8948	"	"
8275	"	"	8949	"	"
8276	"	"	8950	"	"
827.	"	"	8951	"	"
8278	"	"	8952	"	"
8279	"	"	8953	"	"
8280	"	"	8954	"	"
8281	"	"	8955	"	"
8282	"	"	8956	"	"
8283	"	"	8957	"	"
8284	"	"	8958	"	"
8285	"	"	8959	"	"
8286	"	"	8960	"	"
8287	"	"	8961	"	"
8288	"	"	8962	"	"
8289	"	"	8963	"	"
8491	"	"	8964	"	"
8492	"	"	8965	"	"
8493	"	"	8966	"	"
8494	"	"	8967	"	"
8495	"	"	8968	"	"
8496	"	"	8969	"	"
8497	"	"	8970	"	"
8498	"	"	8971	"	"
8499	"	"	8972	"	"
8500	"	"	8973	"	"
8501	"	"	8974	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
8975	"	"
8976	"	"
8977	"	"
8978	"	"
8979	"	"
8980	"	"
8981	"	"
8982	"	"
8983	"	"
8984	"	"
8985	"	"
8986	"	"
8987	"	"
8988	"	"
8989	"	"
8990	"	"
8991	"	"
8992	"	"
8993	12	$35
8994	"	"
8995	"	"
8996	"	"
8708	"	"
8709	"	"
8710	"	"
8711	"	"
8712	"	"
8713	"	"
8714	"	"
8715	"	"
8716	"	"
8717	"	"
8718	"	"
8719	"	"
8720	"	"
8721	"	"
8752	"	"
8753	"	"
8754	"	"
8755	"	"
9660	"	"
9661	"	"
9662	"	"
9663	"	"
9664	"	"
9665	"	"
9666	"	"
9667	"	"
9668	"	"
8591	"	"
8592	"	"
8593	"	"
8594	"	"
8595	"	"
8596	"	"
8597	"	"
8598	"	"
8599	"	"
8600	"	"
8601	"	"
8602	"	"
8603	"	"
8604	"	"
8605	"	"
8606	"	"
8607	"	"
8608	"	"
8609	"	"
9347	"	"
9348	"	"
9349	"	"
9350	"	"
9351	"	"
9352	"	"
9353	"	"
9354	"	"
9355	"	"
9356	"	"
9357	"	"
9358	"	"
9359	"	"
9360	"	"
9361	"	"
9362	"	"
9363	"	"
9364	"	"
9365	"	"
9366	"	"
9367	"	"
9368	"	"
9369	"	"
9370	"	"
9371	"	"
9372	"	"
9373	12	$35
9374	"	"
9375	"	"
9376	"	"
9377	"	"
9378	"	"
9379	"	"
9380	"	"
9381	"	"
9382	"	"
9383	"	"
9384	"	"
9385	"	"
9386	"	"
9387	"	"
9388	"	"
9389	"	"
9390	"	"
9391	"	"
9392	"	"
9393	"	"
9394	"	"
9395	"	"
9396	"	"
8897	"	"
8898	"	"
8899	"	"
8900	"	"
8901	"	"
8902	"	"
8903	"	"
8904	"	"
8905	"	"
8906	"	"
8907	"	"
8908	"	"
8909	"	"
8910	"	"
8911	"	"
8912	"	"
8913	"	"
8914	"	"
8915	"	"
8916	"	"
8917	"	"
8918	"	"
8919	"	"
8920	"	"
8921	"	"
8922	"	"
8923	"	"
8924	"	"
8925	"	"
8926	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
8927	"	"
8928	"	"
8929	"	"
8930	"	"
8931	"	"
8932	"	"
8933	"	"
8934	"	"
8935	"	"
8936	"	"
8937	"	"
8938	"	"
8939	"	"
8940	"	"
8941	"	"
8942	"	"
8943	"	"
8944	"	"
8945	"	"
8946	"	"
8541	"	"
8542	"	"
178 8543	12	$35
8544	"	"
8545	"	"
8546	"	"
8547	"	"
8548	"	"
8549	"	"
8550	"	"
8551	"	"
8552	"	"
8553	"	"
8554	"	"
8555	"	"
8556	"	"
8557	"	"
8558	"	"
8559	"	"
8560	"	"
8561	"	"
8562	"	"
8563	"	"
8564	"	"
8565	"	"
8566	"	"
8567	"	"
8568	"	"
8569	"	"
8570	"	"
8571	"	"
8572	"	"
8573	"	"
8574	"	"
8575	"	"
8576	"	"
8577	"	"
8578	"	"
8579	"	"
8580	"	"
8581	"	"
8582	"	"
8583	"	"
8584	"	"
8585	"	"
8586	"	"
8587	"	"
8588	"	"
8589	"	"
8590	"	"
8250	"	"
8251	"	"
8252	"	"

No. of bond.	No. of coupon.	Amount of coupon.
8253	"	"
8254	"	"
8255	"	"
8256	"	"
8257	"	"
8258	"	"
8259	"	"
8680	"	"
8681	"	"
8682	"	"
8683	"	"
8684	"	"
8685	"	"
8686	"	"
8687	"	"
8688	"	"
8689	"	"
8690	"	"
8691	"	"
8692	"	"
8693	"	"
8694	"	"
8695	"	"
8696	"	"
8697	"	"
8698	"	"
8699	"	"
8700	"	"
8701	"	"
8702	"	"
8703	"	"
8704	"	"
9494	"	"
9495	"	"
9496	"	"
9497	"	"
9498	"	"
9499	"	"
9500	12	$35
9501	"	"
9502	"	"
9503	"	"
9504	"	"
9505	"	"
9506	"	"
9507	"	"
9508	"	"
9509	"	"
9510	"	"
9511	"	"
9512	"	"
9513	"	"
9514	"	"
9515	"	"
9516	"	"
9517	"	"
9518	"	"
9519	"	"
9520	"	"
9521	"	"
9522	"	"
9523	"	"
3945	"	"
6470	"	"
6472	"	"
9819	"	"
9842	"	"
9843	"	"
9844	"	"
9855	"	"
4494	"	"
8997	"	"
8998	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.	No. of bond.	No. of coupon.	Amount of coupon.
8999	"	"	9720	"	"
9000	"	"	9721	"	"
9001	"	"	9722	"	"
9002	"	"	9723	"	"
9004	"	"	9724	"	"
9005	"	"	9725	"	"
9006	"	"	9726	"	"
9007	"	"	9727	"	"
9008	"	"	9728	"	"
9009	"	"	9729	"	"
9010	"	"	9730	"	"
9011	"	"	9731	"	"
9012	"	"	9772	"	"
9013	"	"	9773	"	"
9014	"	"	9774	"	"
9015	"	"	9775	"	"
9016	"	"	9776	"	"
9017	"	"	9777	"	"
9018	"	"	9778	"	"
9019	"	"	9779	"	"
9020	"	"	8046	"	"
9021	"	"	7991	"	"
9022	"	"	7992	"	"
9023	"	"	7993	"	"
9024	"	"	7994	"	"
9025	"	"	7995	"	"
9026	"	"	7996	"	"
9027	"	"	7997	"	"
9028	"	"	9669	"	"
9029	"	"	8630	"	"
9030	"	"	8631	"	"
9031	"	"	8632	"	"
9032	"	"	8633	"	"
9033	"	"	8634	"	"
9034	"	"	8635	"	"
9035	"	"	8636	"	"
9036	"	"	8637	"	"
9037	"	"	8638	"	"
9038	"	"	8639	"	"
9039	"	"	8640	"	"
9040	"	"	8641	"	"
9041	"	"	8642	"	"
9042	"	"	8643	"	"
9043	"	"	8644	"	"
9044	"	"	8645	"	"
9045	"	"	8646	"	"
9046	"	"	8647	"	"
5168	"	"	8648	"	"
8148	"	"	8649	"	"
8149	"	"	8650	"	"
9684	"	"	8651	"	"
9685	"	"	8652	"	"
9686	"	"	8653	"	"
9687	"	"	8654	"	"
9688	12	$35	9732	"	"
9689	"	"	9733	"	"
9690	"	"	9734	"	"
9691	"	"	9735	"	"
9692	"	"	9736	"	"
9693	"	"	9737	"	"
9694	"	"	9738	"	"
9695	"	"	9739	"	"
9696	"	"	9740	"	"
9697	"	"	9741	"	"
9698	"	"	9742	"	"
9699	"	"	9743	"	"
9712	"	"	9744	"	"
9713	"	"	9745	"	"
9714	"	"	9746	"	"
9715	"	"	9747	12	$35
9716	"	"	9748	"	"
9717	"	"	9749	"	"
9718	"	"	9750	"	"
9719	"	"	9751	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
8655	"	"
8656	"	"
8657	"	"
8658	"	"
8659	"	"
8660	"	"
8661	"	"
8662	"	"
8663	"	"
8664	"	"
8665	"	"
8666	"	"
8667	"	"
8668	"	"
8669	"	"
8670	"	"
8671	"	"
8672	"	"
8673	"	"
8674	"	"
8675	"	"
8676	"	"
8677	"	"
8678	"	"
8679	"	"
8727	"	"
8728	"	"
8729	"	"
8730	"	"
8731	"	"
8732	"	"
8733	"	"
8734	"	"
8735	"	"
8736	"	"
8737	"	"
8738	"	"
8739	"	"
8740	"	"
8741	"	"
8742	"	"
8743	"	"
8744	"	"
8745	"	"
8746	"	"
9670	"	"
9671	"	"
9672	"	"
9673	"	"
9674	"	"
9675	"	"
9676	"	"
9677	"	"
9678	"	"
9679	"	"
8748	"	"
8749	"	"
8750	"	"
8751	"	"
8747	"	"
5290	"	"
5291	"	"
5292	"	"
5293	"	"
5294	"	"
5295	"	"
8705	"	"
8706	"	"
8707	"	"
8797	"	"
8798	"	"
8799	"	"
8800	"	"
8801	"	"
8802	"	"
8803	"	"
8804	"	"
8805	"	"
8806	"	"
8807	"	"
8808	"	"
8809	"	"
8810	"	"
8811	"	"
179 8812	12	$35
8813	"	"
8814	"	"
8815	"	"
8816	"	"
8817	"	"
8818	"	"
8819	"	"
8820	"	"
8821	"	"
8822	"	"
8823	"	"
8824	"	"
8825	"	"
8826	"	"
8827	"	"
8828	"	"
8829	"	"
8830	"	"
8831	"	"
8832	"	"
8833	"	"
8834	"	"
8835	"	"
8836	"	"
8837	"	"
8838	"	"
8839	"	"
8840	"	"
8841	"	"
8842	"	"
8844	"	"
8845	"	"
8846	"	"
8847	"	"
8848	"	"
8849	"	"
8850	"	"
8851	"	"
8852	"	"
8853	"	"
8854	"	"
8855	"	"
8856	"	"
8857	"	"
8858	"	"
8859	"	"
8860	"	"
8861	"	"
8862	"	"
8863	"	"
8864	"	"
8865	"	"
8866	"	"
8867	"	"
8868	"	"
8869	"	"
8870	"	"
8871	"	"
8872	"	"
8873	"	"
8874	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
8875	"	"
8876	"	"
8877	"	"
8878	"	"
8879	"	"
8880	"	"
8881	"	"
8882	"	"
8883	"	"
8884	"	"
8885	"	"
8886	"	"
8887	"	"
8888	"	"
8889	"	"
8890	"	"
8891	"	"
8892	"	"
8893	"	"
8894	"	"
8895	"	"
8896	"	"
9047	"	"
9048	"	"
9049	"	"
9050	"	"
9051	12	$35
9052	"	"
9053	"	"
9054	"	"
9055	"	"
9056	"	"
9057	"	"
9058	"	"
9059	"	"
9060	"	"
9061	"	"
9062	"	"
9063	"	"
9064	"	"
9065	"	"
9066	"	"
9067	"	"
9068	"	"
9069	"	"
9070	"	"
9071	"	"
9072	"	"
9073	"	"
9074	"	"
9075	"	"
9076	"	"
9077	"	"
9078	"	"
9079	"	"
9080	"	"
9081	"	"
9082	"	"
9083	"	"
9084	"	"
9085	"	"
9086	"	"
9087	"	"
9088	"	"
9089	"	"
9090	"	"
9091	"	"
9092	"	"
9093	"	"
9094	"	"
9095	"	"
9096	"	"
9097	"	"
9098	"	"
9099	"	"
9100	"	"
9101	"	"
9102	"	"
9103	"	"
9104	"	"
9105	"	"
9106	"	"
9107	"	"
9108	"	"
9109	"	"
9110	"	"
9111	"	"
9112	"	"
9113	"	"
9114	"	"
9115	"	"
9116	"	"
9117	"	"
9118	"	"
9119	"	"
9120	"	"
9121	"	"
9122	"	"
9123	"	"
9124	"	"
9125	"	"
9126	"	"
9127	"	"
9128	"	"
9129	"	"
9130	"	"
9131	"	"
9132	"	"
9133	"	"
9134	"	"
9135	"	"
9136	"	"
9137	"	"
9138	"	"
9139	"	"
9140	12	$35
9142	"	"
9143	"	"
9144	"	"
9145	"	"
9146	"	"
9247	"	"
9248	"	"
9249	"	"
9250	"	"
9251	"	"
9252	"	"
9253	"	"
9254	"	"
9255	"	"
9256	"	"
9257	"	"
9258	"	"
9259	"	"
9260	"	"
9261	"	"
9262	"	"
9263	"	"
9264	"	"
9265	"	"
9266	"	"
9267	"	"
9268	"	"
9269	"	"
9270	"	"
9271	"	"
9272	"	"
9273	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
9274	"	"
9275	"	"
9276	"	"
9278	"	"
9279	"	"
9280	"	"
9281	"	"
9282	"	"
9283	"	"
9284	"	"
9285	"	"
9286	"	"
9287	"	"
9288	"	"
9289	"	"
9290	"	"
9291	"	"
9292	"	"
9293	"	"
9294	"	"
9295	"	"
9296	"	"
9297	"	"
9298	"	"
9299	"	"
9300	"	"
9301	"	"
9302	"	"
9303	"	"
9304	"	"
9305	"	"
9306	"	"
9307	"	"
9308	"	"
9309	"	"
9310	"	"
9311	"	"
9312	"	"
9313	"	"
9314	"	"
9315	"	"
9316	"	"
9317	"	"
9318	"	"
9319	"	"
9320	"	"
9321	"	"
9322	"	"
9323	"	"
9324	"	"
9325	"	"
9326	"	"
9327	"	"
9328	"	"
9329	"	"
9330	"	"
9331	12	$35
9332	"	"
9333	"	"
9334	"	"
9335	"	"
9336	"	"
9337	"	"
9338	"	"
9339	"	"
9340	"	"
9341	"	"
9342	"	"
9343	"	"
9344	"	"
9345	"	"
9346	"	"
9397	"	"

No. of bond.	No. of coupon.	Amount of coupon.
9398	"	"
9399	"	"
9400	"	"
9401	"	"
9402	"	"
9403	"	"
9404	"	"
9405	"	"
9406	"	"
9407	"	"
9408	"	"
9409	"	"
9410	"	"
9411	"	"
9412	"	"
9413	"	"
9414	"	"
9415	"	"
9416	"	"
9417	"	"
9418	"	"
9419	"	"
9420	"	"
9421	"	"
9422	"	"
9423	"	"
9424	"	"
9425	"	"
9426	"	"
9427	"	"
9428	"	"
9429	"	"
9430	"	"
9431	"	"
9432	"	"
9433	"	"
9434	"	"
9435	"	"
9436	"	"
9437	"	"
9438	"	"
9439	"	"
9440	"	"
9441	"	"
9442	"	"
9443	"	"
9444	"	"
9445	"	"
9446	"	"
9460	"	"
9461	"	"
9462	"	"
9463	"	"
9464	"	"
9465	"	"
9466	"	"
9467	"	"
9468	"	"
9469	"	"
9470	"	"
9471	"	"
9472	"	"
9473	"	"
9474	"	"
9475	"	"
9476	"	"
9477	"	"
9478	"	"
9479	"	"
9574	"	"
9575	"	"
9576	"	"
180 9577	12	$35

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.	No. of bond.	No. of coupon.	Amount of coupon.
9578	"	"	9783	"	"
9579	"	"	9784	"	"
9580	"	"	9785	"	"
9581	"	"	9786	"	"
9582	"	"	9787	"	"
9583	"	"	1195	"	$17.50
95-4	"	"	1196	"	"
9585	"	"	1197	"	"
9586	"	"	1198	"	"
9587	"	"	1199	"	"
9588	"	"	1200	"	"
9589	"	"	1201	"	"
9590	"	"	1202	"	"
9591	"	"	1203	"	"
9592	"	"	1204	"	"
9593	"	"	1205	"	"
9594	"	"	1206	"	"
9595	"	"	1207	12	$17.50
9596	"	"	1208	"	"
9597	"	"	1209	"	"
9598	"	"	1210	"	"
9599	"	"	1211	"	"
9600	"	"	1212	"	"
9601	"	"	1213	"	"
9602	"	"	1214	"	"
9603	"	"	1215	"	"
9480	"	"	1216	"	"
9481	"	"	1217	"	"
9482	"	"	1218	"	"
9483	"	"	1219	"	"
9484	"	"	1220	"	"
9485	"	"	1221	"	"
9486	"	"	1222	"	"
9487	"	"	1223	"	"
9488	"	"	1224	"	"
9489	"	"	1225	"	"
9700	"	"	1226	"	"
9701	"	"	1227	"	"
9702	"	"	1228	"	"
9703	"	"	1229	"	"
9704	"	"	1230	"	"
9705	"	"	1241	"	"
9706	"	"	1332	"	"
9707	"	"	1233	"	"
9708	"	"	1234	"	"
9709	"	"	1235	"	"
9710	"	"	1236	"	"
9711	"	"	1237	"	"
9752	"	"	1238	"	"
9753	"	"	1239	"	"
9754	"	"	1240	"	"
9755	"	"	1241	"	"
9756	"	"	1242	"	"
9757	"	"	1243	"	"
9758	"	"	1244	"	"
9759	"	"	1420	"	"
9760	"	"	1421	"	"
9761	"	"	1422	"	"
9762	"	"	1423	"	"
9763	"	"	1424	"	"
9764	"	"	1425	"	"
9765	"	"	1392	"	"
9766	"	"	1393	"	"
9767	"	"	1394	"	"
9768	"	"	1395	"	"
9769	"	"	1396	"	"
9770	"	"	1397	"	"
9771	"	"	1398	"	"
9780	"	"	1399	"	"
9781	"	"	1387	"	"
9782	"	"	1388	"	"

List of coupons, &c.—Continued.

No. of bond.	No. of coupon.	Amount of coupon.
1389	"	"
1383	"	"
1374	"	"
1375	"	"
913	"	"
914	"	"
1472	"	"
1473	"	"
1474	"	"
1475	"	"
1745	"	"
1746	"	"
1245	"	"
1246	"	"
1247	"	"
1248	"	"
1249	"	"
1250	"	"
1251	"	"
1252	"	"
1253	"	"
1254	"	"
1255	"	"
1256	"	"
1257	"	"
1258	"	"
1259	"	"
1260	"	"
1261	"	"
1262	"	"
1263	"	"
1274	"	"
1265	12	$17 50
1266	"	"
1267	"	"
1365	"	"
1366	"	"
1367	"	"
1368	"	"
1369	"	"
1370	"	"
1371	"	"
1372	"	"
1373	"	"
1376	"	"
1377	"	"
1378	"	"
1379	"	"
1380	"	"
1381	"	"
1382	"	"
1384	"	"
1385	"	"
1386	"	"
1390	"	"
1391	"	"
1466	"	"
236	"	"
311	"	"
1372	"	"
3709	"	"
3710	"	$3 50
3711	"	"
12	"	"
57	"	"
58	"	"
95	"	"
916	"	"
1950	"	"
1951	"	"
1952	"	"

No. of bond.	No. of coupon.	Amount of coupon.
1998	"	"
1999	"	"
2067	"	"
2414	"	"
2415	"	"
2416	"	"
2883	"	"
2921	"	"
2922	"	"
3494	"	"
529	"	"
958	"	"
1629	"	"
1633	"	"
1634	"	"
1635	"	"
2555	"	"
2556	"	"
2557	"	"
3400	"	"
3401	"	"
3402	"	"
3407	"	"
3408	"	"
3689	"	"
3694	"	"
3705	"	"
3720	"	"
3721	"	"
3722	"	"
3723	"	"
3724	"	"
3725	"	"
3738	"	"
3739	"	"
3740	"	"
3741	"	"
3742	"	"
3743	"	"
3772	"	"
3773	"	"
3774	"	"
3775	"	"
3936	"	"
3937	"	"
3938	"	"
4084	"	"
3706	"	"
3707	"	"
3708	"	"
3918	"	"
3919	"	"
3920	"	"
3921	12	$3 50
3955	"	"
3956	"	"
3957	"	"
3958	"	"
1498	"	"
185	"	$17 50
420	"	"
424	"	"
950	"	"
952	"	"
953	"	"
955	"	"
956	"	"
999	"	"
1003	"	"
1450	"	"

RECAPITULATION.

1,095 coupons of $35 each.
136 " " 17.50 "
70 " " 3.50 "

The foregoing list is made up of coupons actually produced and offered in evidence upon the trial of suit 9052, U. S. circuit court, district of Louisiana.

New Orleans, Jan'y 17, 1881.

(Signed) OSCAR J. FORSTALL.

Correct.

LACEY & BUTLER, *Att'ys.*

181 *Document marked "(4)" referred to and made part of the foregoing finding of facts.*

1000.] UNITED STATES OF AMERICA. [1000.

No. 101.] [No. 101.

Consolidated bond of the State of Louisiana.

The State of Louisiana, by these presents, hereby acknowledges itself indebted to the bearer in the sum of one thousand dollars, which M. sum it promises to pay, in lawful money of the United States, at the office of the State treasurer in the city of New Orleans, State of Louisiana, on demand, after the first day of January, A. D. one thousand nine hundred and fourteen, with interest at the rate of seven per cent. per annum, payable semi-annually, in lawful money of the United States, at the office of the State treasurer, city of New Orleans, State of Louisiana; or at the office of the fiscal agent of the State of Louisiana in the city of New York, State of New York,
182 on the first day of July and January of each year upon the surrender of the coupons hereto annexed, as they shall become due.

This bond is issued under authority of, and in conformity with, an act of the general assembly of the State of Louisiana, approved January 24th, 1874, being act No. 3 of the sessions of 1874.

In testimony whereof, the governor, auditor, and secretary of the State of Louisiana under the seal of the State, have signed these presents bearing date this first day of January, A. D. one thousand eight hundred and seventy-four, in conformity with the provisions of the aforesaid act.

WM. P. KELLOGG,
Gov. of the State of La.

CHAS. CLINTON,
Auditor of Public Acc'ts.
P. G. DESLONDE,
Secretary of State.

$35.] [$35.

Consolidated bond. Act of January 24, 1874.

The State of Louisiana will pay the bearer on the first day of Jan'y, 1880, thirty-five dollars, in lawful money of the United States, in New Orleans or New York, at the option of the holder, being six months' interest on consolidated bond No. 7958,
183 coupon No. 12.

CHAS. CLINTON, *Auditor.* A'NE DUBUCLET, *Treasurer.*

(Endorsed:) No. 101. United States of America, State of Louisiana Consols. $1,000. Under authority of an act of the general assembly, approved January 24th, 1874. Principal and interest payable in lawful money of the United States. Principal due first day of January, A. D. 1914, interest at seven per cent. payable on the first day of July and January of each year, in New Orleans or New York, at the option of the holder.

The payment of the principal and interest of this bond is provided for by the levy of an annual tax fixed and guaranteed by the constitution of the State and not repealable by legislative enactment.

State debt limited to $15,000,000 and taxes for all purposes, except for schools, limited to 12½ mills by the constitution of the State.

184 Circuit court of the United States, fifth circuit and district of Louisiana.

CLERK'S OFFICE:

I certify the foregoing to be a true copy of the bond No. 101 and coupon No. 12, filed in the cause entitled "State, ex rel. John Elliott et als., vs. A. Jumel, auditor, et al.," No. 9052 of the docket of this court.

Witness my hand and the seal of said court at the city of New Orleans, this 11th day of January, 1881.

T. V. COUPLAND,
D'y Clerk.

185 *Document marked "G ."—Referred to and made part of the foregoing finding of facts.—Statement showing the assessment of various years and rate of interest at 5½ mills.*

Assessment for the year 1874	203, 352, 824 17	1, 118, 400 53
" " " " 1875	191, 993, 419 86	1, 055, 963 80
" " " " 1876	175, 460, 289 00	965, 031 00
" " " " 1877	177, 259, 732 67	974, 928 52
" " " " 1878	177, 000, 000 00	973, 500 00
	$925, 066, 265 70	$5, 087 863 85

186 *Document marked "G (2)."—Referred to and made part of the foregoing finding of facts.—Statement showing the amount paid on interest coupons out of the interest tax fund of* 1874, 1875, 1876, 1877, 1878, *and* 1879, *and the balance due to bondholders on same up to the morning of January* 1*st*, 1881.

	Due.	Paid.	Balance.
Coupons of 1874	828,758 00	770,756 96	58,001 04
1875	828,758 00	739,249 24	89,508 76
1876	828,758 00	662,130 00	166,628 00
1877	828,758 00	722,667 23	106,090 67
1878	828,728 00	703,993 54	124,764 46
½ year's interest due July 1, 1879	414,379 00	394,392 10	19,986 90
	4,558,169 00	3,993,189 17	564,979 83

Amount of bonds issued under act No. 3, 1874:

No. 1 @ 1,000 at $1,000	10,000,000 00
1 " 2,798 " $500.00	1,399,000 00
1 " 4,404 " $100.00	440,400 00
Total issued	$11,839,400 00

Under the provisions of article 3, ordinance of the constitution of 1879, adopted as per official promulgation January 1, '80, there has been received into the State treasury since the adoption of said constitution the sum of two hundred and thirty-eight thousand eight hundred and thirteen $\frac{29}{100}$ dollars	238,813 29
Amount on hand Jan'y 1, '80, paid into the treasury, a/c interest applicable to the payment of interest coupons due January 1, '80, thirty-five thousand one hundred & eighteen $\frac{03}{100}$ doll's	35,118 03
Total amount on hand and in controversy, two hundred and seventy-three thousand nine hundred & thirty-one $\frac{32}{100}$ doll's	$273,931 32

[SEAL.] (Signed) E. A. BURKE,
State Treasurer of Louisiana.

187 The court finds the following to be the conclusions of law arising from the facts of this case as above found:

1st. That the proceeding instituted in the third district court of the parish of Orleans, to obtain a writ of mandamus, was a "suit" within the meaning of the act of Congress of the year 1875, and was, therefore, capable to be removed to the circuit court of the United States, and was lawfully and properly removed to this court; that the restriction of the statute which, by well settled adjudication, limits the power or authority of the circuit courts to issue writs of mandamus to those cases only in which a jurisdiction has been previously acquired, can have no application to a removed case when the whole relief sought consisted in the writ; that in such case the statute, vesting in the circuit court the entire judicial power granted by the constitution, necessarily supplied the authority to issue all requisite and usual process both mesne and final, and that this court has the jurisdictional authority to grant

188 the writ of mandamus in this case.

II. That it appearing that these respondents are constitutional officers of the State, and have no relation to the funds collected, or to be collected, excepting as such officers; that they are clothed with no authority, and charged with no duty to pay over or collect said funds to or in behalf the relator, but, on the contrary, by the organic law of the State under which their offices were created and exist, the provisions of which constitute their sole mandate, are prohibited from so doing, the State is the party which, by its action in its original capacity through the people, has rendered the execution of its contract with relator impossible through the instrumentality of its officers or functionaries; that the question here presented is political rather than judicial, and could not be adjudicated without calling a State to the bar of the court and subverting its entire financial basis, no matter how unjustly adopted and ordained.

III. That the prayer of the relator should be rejected, and the
189 writ of mandamus refused.

Let there be judgment in favor of the respondents.

(Signed) EDWARD C. BILLINGS, *Judge.*

CLERK'S OFFICE:

I certify the foregoing to be a true copy of the original on file and of record in the above entitled and numbered cause.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 2d day of May, 1881.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

Decree entered and filed May 5th, 1881.

Circuit court of the United States, district of Louisiana.

JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOV'R, ET AL.

190 This cause was submitted to the court for a decree upon the pleadings, orders, proceedings, agreements filed, and the testimony by the solicitors for the several parties.

The court, upon consideration thereof, declares and decrees that the plaintiffs have not shown to the court a sufficient title to sustain their claim for the relief sought for in their bill, and the court orders that the bill be dismissed, and that the plaintiffs pay the costs of the suit.

May 5, 1881.

(Signed) EDWARD C. BILLINGS, *Judge.*

Motion & order for appeal.—Entered & filed May 6th, 1881.

U. S. circuit court, district of Louisiana.

JOHN ELLIOTT ET ALS.
vs. } No. 8977.
LOUIS A. WILTZ, GOVERNOR, ET AL.

On motion of Lacey and Butler, solicitors for complainants, and upon respectfully suggesting to the court that there is manifest error
191 in the decree of this honorable court, rendered on the 5th day of

May, 1881, and signed on the 5th day of the same month and year, and that the said complainants, feeling aggrieved by such decree, are desirous of appealing therefrom to the Supreme Court of the United States—

It is now ordered that an appeal be allowed herein, returnable before the said court, at the city of Washington, on the 2d Monday of October, A D. 1881, upon complainants' giving bond and security, conditioned according to law, in the sum of five hundred dollars.

Bond for appeal.—Filed May 7th, 1881.

UNITED STATES OF AMERICA:

Know all men by these presents that we, John Elliott, Nicholas Gwynn, and Henry S. Walker, jointly and severally, and jointly and severally with all others similarly situated with themselves, and Isaac Edmund Glenny, as surety, are held and firmly bound, jointly and severally, unto Louis A. Wiltz, governor of the State of Louisiana; Sam. McEnery, lieut.-gov'r; Allen Jumel, auditor; Ed. A. Burke, treasurer, Will A. Strong, secretary of state; Robt. N. Ogden, speaker of the house of representatives, and State National Bank, fiscal agent of the State of La., and to each and every one of them, in the sum of five hundred dollars, lawful money of the United States of America, to be paid to the said Louis A. Wiltz, gov'r; Sam. McEnery, lieut.-gov'r; Allen Jumel, auditor; E. A. Burke, treasurer; Will A. Strong, secretary of state; Robert N. Ogden, speaker; and the State National Bank, fiscal agent, jointly and severally, and to their, and each of their heirs, executors, administrators, successors, and assigns, for which payment well and truly to be made, we bind ourselves, and each of us by himself, and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated the 6th day of May, in the year of our Lord eighteen hundred and eighty-one.

192

Whereas the said John Elliott, Nicholas Gwynn, and Henry S. Walker, having heretofore, to wit, on the 6th day of May, A. D. 1881, taken an appeal to the Supreme Court of the United States, from and to reverse the decree rendered on the 5th day of May, A. D. 1881, by the circuit court of the United States for the fifth circuit, holding sessions in and for the eastern district of Louisiana, in the suit of John Elliott, Nicholas Gwynn, and Henry S. Walker, against the several defendants, obligees and parties hereinabove particularly named and set forth, No. 8977 of the docket thereof:

193

Now, the condition of the above obligation is, that if the above bounden John Elliott, Nicholas Gwynn, and Henry S. Walker shall prosecute their said appeal to effect, and shall answer all damages and costs if they shall fail to make good their plea, then this obligation shall be void; otherwise to remain in full force and virtue.

(Signed) JOHN ELLIOTT.
NICHOLAS GWYNN, &
HENRY S. WALKER.
Per GEO. S. LACEY, *Sol.* [L. S.]
I. EDMUND GLENNY. [L. S.]

Bond approved:
(Signed) EDWARD C. BILLINGS, *Judge.*

194 UNITED STATES OF AMERICA,
Eastern District of Louisiana, ss:

Personally appeared Isaac Edmund Glenny, who, being duly sworn, deposes and says that he is the surety on the within bond; that he resides in the city of New Orleans, State of Louisiana, and is worth the full sum of five hundred ($500.00) dollars, over and above all of his debts and liabilities and property exempt from execution.

(Signed) J. EDMUND GLENNY.

Subscribed and sworn before me this 17th day of May, 1881.

[SEAL.] (Signed) CHARLES S. RICE.
Commissioner U. S. Circuit Court,
Eastern District of Louisiana.

195 UNITED STATES OF AMERICA:

Circuit court of the United States, fifth circuit and eastern district of Louisiana.

CLERK'S OFFICE:

I, Francis A. Woolfley, clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, do hereby certify that the foregoing 194 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of John Elliott et als., vs. Louis A. Wiltz, governor, et al., No. 8977 of the docket of the said court.

Witness my hand and the seal of said court at the city of New Orleans, this 22d day of June, A. D. 1881.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

I, Edward C. Billings, United States judge for the eastern district of Louisiana, do certify that Francis A. Woolfley, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand, at the city of New Orleans, in said district, this 22d day of June, A. D. 1881.

EDWARD C. BILLINGS.

196 THE UNITED STATES OF AMERICA:

Circuit court of the United States, eastern district of Louisiana.

The President of the United States to Louis A. Wiltz, governor of the State of Louisiana, and as a member of the board of liquidation of the State of Louisiana, created by act No. 3 of the sessions of the general assembly of said State for the year 1874; Sam'l D. McEnery, lieut.-governor of the State of Louisiana, and as a member of said board of liquidation; Robert N. Ogden, speaker of the house of representatives of the State of Louisiana, and as a member of said board of liquidation; Will A. Strong, secretary of state of the State of Louisiana, and as a member of said board of liquidation; Allen Jumel, auditor of the State of Louisiana, and as a member of said board of liquidation; Ed. A. Burke, treasurer of the State of Louisiana, and as a

member of said board of liquidation; The State National Bank of New Orleans, fiscal agent of the State of Louisiana, and as a member of said board of liquidation, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the second Monday of October next, pursuant to a motion and order for an appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein John Elliott, Nicholas Gwynn, and Henry S. Walker are appellants, and you are appellee, to show cause, if any there be, why the decree rendered against the said John Elliott, Nicholas Gwynn, and Henry S. Walker, as in said motion and order for an appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 31st day of May, in the year of our Lord one thousand eight hundred and eighty-one.

EDWARD C. BILLINGS, *Judge.*

197 Personally appeared before me E. S. Curry, a deputy U. S. marshal, in and for the eastern district of Louisiana, and makes oath that he served a true copy of the within citation of appeal on the appellees herein named as set forth in his official return hereon.

E. S. CURRY,
D'y U. S. Marshal for Eastern District of La.

Subscribed and sworn before me June 21, 1881.

T. V. COUPLAND,
Commissioner United States Circuit Court,
Eastern District of Louisiana.

Marshal's Return.

(Indorsed:) United States circuit court. No. 8977. John Elliott et als. vs. Louis A. Wiltz, governor, et al. Citation to appellees.

Received June 1, 1881, by the U. S. marshal, and I served true copies of the within citation of appeal on the appellees herein named, in the following date, and manner to wit:

Louis A. Wiltz, governor of the State of Louisiana, and as a member of the board of liquidation of the State of Louisiana, created by act No. 3, of the sessions of the general assembly of said State, for the year 1874, by handing a copy hereof to him in person in the town of St. Martinsville, parish of St. Martin, La., distant from New Orleans 150 miles. June 6, 1881.

Samuel D. McEnery, lieutenant-governor & member of the aforesaid board, by handing the same to J. C. Egan, esq., in person, the attorney-general of said State and attorney of record, who accepted service, said McEnery being absent from the district at the time of said service; served June 7, 1881, in New Orleans.

Will A. Strong, secretary of state and member of the aforesaid board by handing the same to J. C. Egan, att'y-general of said State, and att'y of record, by handing the same to him in person in the city of New Orleans, June 16, 1881, he accepting service of the same; the said Will A. Strong being absent at time of said service.

E. A. Burk, treasurer of State of La., and member of said board by

handing the same to him in person in the city of New Orleans, June 4, 1881.

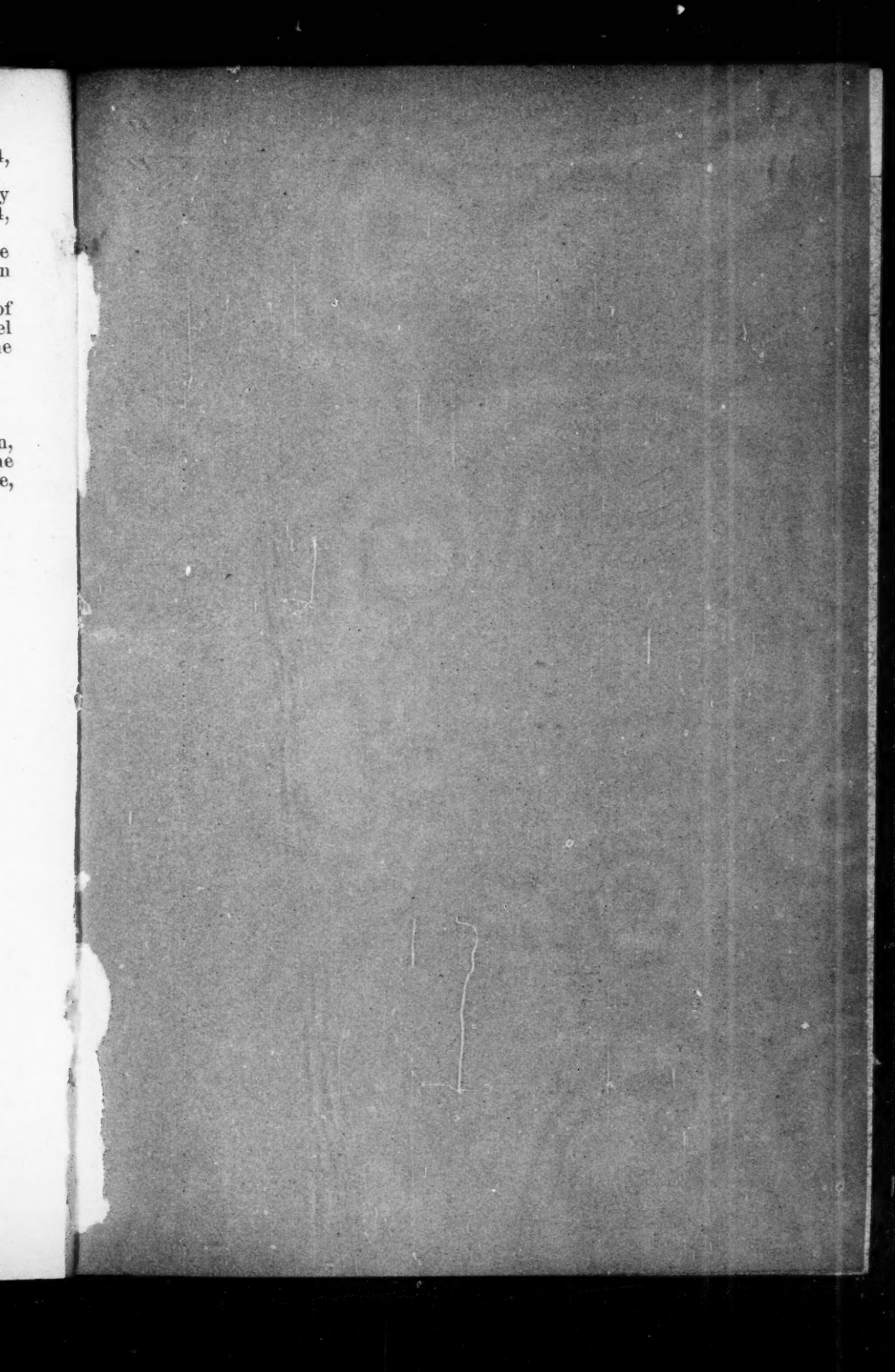
Allen Jumel, auditor of State of La. and member of said board by handing the same to him in person in the city of New Orleans, June 4, 1881.

Robert N. Ogden, speaker of the house of representatives of State of La., and member of said board by handing the same to him in person in the city of New Orleans, June 4, 1881.

State National Bank of New Orleans, fiscal agent of the State of Louisiana, and member of said board by handing the same to Samuel H. Kennedy, in person in the city of New Orleans, June 4, 1881, the president of the aforesaid bank.

E. S. CURRY,
D'y U. S. Marshal for Eastern District of Louisiana.

(Indorsement on cover:) No. 856. John Elliott, Nicholas Gwynn, and Henry H. Walker, appellants, vs. Louis A. Wiltz, governor of the State of Louisiana, et al. E. Louisiana C. C. U. S. Filed 29th June, 1881.



17-711

SUPREME COURT OF THE UNITED STATES.

JOHN ELLIOTT AND OTHERS,
Appellants,
against
LOUIS A. WILTZ, GOVERNOR, &C., AND OTHERS,
Appellees.

No. 856.
Injunction.

BRIEF FOR APPELLANTS.

WHEELER H. PECKHAM,
Of Counsel for Appellants.

BURGOYNE, Law Case Printer (Law Telephone 587), 29 Rose Street, N. Y.

Supreme Court of the United States.

JOHN ELLIOTT and others,
Appellants,

AGAINST

LOUIS A. WILTZ, Governor, &c., and others,
Appellees.

No. 856.

Statement of Case.

This is a bill in equity filed by the complainants against the respondents filling certain offices in the government of the State of Louisiana and constituting a Board of Liquidation, as organized by Act No. 3 of the Laws of 1874, State of Louisiana, to enjoin and prohibit them from diverting a fund consisting of several hundred thousand dollars in their hands, the proceeds of certain taxes collected under and pursuant to said law, from the payment of coupons of the bonds of the State of Louisiana, issued under such law, falling due on the first day of January, 1880, to the other and general purposes of the State government.

The bill shows that the plainuiffs are the owners and holders to a very large number of these bonds, amounting to about a million of dollars, and have coupons falling due on the first day of January, 1880, amounting to about eighty thousand dollars; and that the defendants, assuming and intending to follow the instructions of a so-called new constitution of the State of Louisiana, pretended to have been adopted in 1874, proposed to use the funds col-

lected as aforesaid under the law of 1874 for the payment of coupons, for the general purposes of the State government.

In the Court below the respondents filed a plea to the jurisdiction, which is found on page 27 of the record and was filed March 27, 1880. The plea seems to have been amplified by another, filed December 1, 1880, and which is found on page 28 of the record. Issue was taken on the plea, page 31 of the record. The Court, upon the bill, plea and issue found certain facts; the findings appear on page 33 to page 64 of the record, and upon such findings the Court below dismissed the bill.

The judgment of the Court below was passed wholly upon the ground that the questions presented were political rather than judicial, and that the Court had no power or jurisdiction to give the plaintiffs the relief demanded. The finding of facts is identical, word for word, with the finding in the case for mandamus argued herewith, No. 845. It is brought by the same parties against the same parties, on the same points, and differs from the other case only in the fact that this is a bill in equity to restrain the improper diversion of the fund under the acts there referred to.

Assignment of Errors.

The appellants submit that the Court below erred in dismissing the bill and holding that it had no jurisdiction to award the relief demanded.

SECOND. That the Court below erred in holding that the questions raised were political and not judicial.

THIRD. That the Court below erred in not granting plaintiffs the judgment asked for, to wit: an injunction restraining the defendants from diverting the funds in their hands, from the payment of coupons of the bonds of the State of Louisiana, issued under the Act of 1874, including those held by the complainants.

Argument.

The complainants submit this case upon the same arguments that have been presented to the Court by the complainant in the case of the State of New Hampshire against the State of Louisiana, and by the plaintiffs in the case of the State of Lousiana *ex. rel.* John Elliott and others, against Wiltz, Governor and others, No. 845, argued herewith.

Second.

The judgment of the Court below should be reversed with instructions to enter a judgment for complainants enjoining the diversion of the funds as prayed for.

WHEELER H. PECKHAM,
Of Counsel for Appellant.

17-711

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against
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WHEELER H. PECKHAM,
Of Counsel for Appellant.